

HOUSE OF REPRESENTATIVES.

FRIDAY, January 30, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With unbounded faith and confidence in Thee, our Heavenly Father, as a God hearing and a God answering prayer, we pray with all the fervor of our soul for new inspiration and light to guide us in the duties of this a new day. Crown our efforts with the well-being of our beloved country. If we seek happiness, it shall vanish away. If we seek opportunity to do good, happiness will come in the doing.

This world is in the making, and we are called upon to lend a hand and lay hold of the opportunities to develop perfection in the world and in ourselves. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent to insert in the RECORD an editorial from this morning's Washington Post on school-teachers' salaries and schools.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to insert in the RECORD an editorial from this morning's Post on the subject of schools. Is there objection?

Mr. WALSH. I object.

Mr. LAZARO. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. WALSH. Yes.

Mr. LAZARO. Mr. Speaker, I merely wish to say that this editorial is a very able editorial on the importance of building up our school system at this time in this country. It is very short, and it will take very little space in the CONGRESSIONAL RECORD. I think it is of very great interest to the people of the country at this time when we are teaching the importance of education, in a Government like ours, where the people must rule.

The SPEAKER. Is there objection?

Mr. WALSH. I object.

The SPEAKER. Objection is heard.

CALL OF THE HOUSE.

Mr. GOOD. Mr. Speaker, I move, that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12046, the deficiency appropriation bill.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the deficiency bill. As many as are in favor of the motion will say aye.

Mr. VARE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Iowa.

Mr. WALSH. Mr. Speaker, I make the point of order that this is not an automatic call.

The SPEAKER. A division had been had.

Mr. WALSH. A division had not been had. The House was not dividing. The Chair put the question only as to the affirmative.

The SPEAKER. Yes; the Chair called for the affirmative side.

Mr. WALSH. The House was not dividing.

The SPEAKER. The Chair does not think that the House would have to divide by a rising vote. The Chair is inclined to think that it is an automatic call. The Chair will decide that a quorum failed to vote on the question.

Mr. WALSH. But, Mr. Speaker, can the Chair make that decision when only one side has voted on a question?

The SPEAKER. Had not the Chair put both sides?

Mr. WALSH. The Chair had not. The Chair merely said that those who were in favor of the motion would say aye.

Mr. BLANTON. Mr. Speaker, I make the point of order that where the Chair has put the question in the affirmative certainly the House divides. That has been the ruling of the Chair all along this session.

Mr. WALSH. Oh, I think the gentleman is mistaken.

The SPEAKER. The Chair is disposed to think that the gentleman from Massachusetts is technically correct. The rule says whenever a quorum fails to vote on any question that there shall be an automatic call.

Mr. CLARK of Missouri. Mr. Speaker, the House undoubtedly was dividing, and it seems to me that that precipitates an automatic call.

The SPEAKER. A quorum had not failed to vote necessarily when but one side had been put.

Mr. CLARK of Missouri. But the House undoubtedly was dividing.

Mr. BLANTON. It is very evident that there is no quorum present.

The SPEAKER. It does not make any substantial difference, of course, but we should not establish bad precedents.

Mr. MANN of Illinois. Mr. Speaker, my recollection is that the rule provides that where the House has divided and an objection is made to the vote because there is no quorum present, an automatic call of the House ensues. While usually that is not stated, still objection can not be made to the vote until the vote has been taken. In this case undoubtedly the Speaker put only the affirmative.

The SPEAKER. The rule does not say anything about dividing, although that is the phrase used. The rule says whenever a quorum fails to vote on any question and a quorum is not present. The Chair thinks that under that, technically, he would have to decide that a vote had been taken and that a quorum did not vote. If the point of no quorum is made before the vote is taken, strictly the Chair could not decide that a quorum had not voted. The Chair therefore rules that this is not an automatic call.

Mr. GOOD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Fess	Knutson	Rowan
Ayres	Fuller, Mass.	Kraus	Sanders, Ind.
Black	Gard	Kreider	Sanders, La.
Blackmon	Garland	Larsen	Sanford
Booher	Garrett	Lehibach	Scully
Bowers	Godwin, N. C.	Linthicum	Sears
Britten	Goldfogle	McCulloch	Sells
Browning	Goodall	McDuffie	Siegel
Butler	Gould	McPherson	Small
Campbell, Kans.	Graham, Pa.	Mann, S. C.	Smith, N. Y.
Candler	Hamill	Martin	Steele
Caraway	Hamilton	Mason	Stephens, Miss.
Carew	Haugen	Moon	Stoll
Casey	Hoch	Mooney	Strong, Pa.
Christopherson	Hoey	Morgan	Sullivan
Clark, Fla.	Howard	Murphy	Taylor, Tenn.
Cooper	Johnson, S. Dak.	Newton, Minn.	Thompson
Copley	Johnston, N. Y.	Nicholls, S. C.	Timberlake
Cramton	Kearns	Nichols, Mich.	Towner
Curry, Calif.	Kelley, Mich.	Nolan	Venable
Dooling	Kendall	O'Connell	Volstead
Doughton	Kennedy, Iowa	Pell	Watkins
Edmonds	Kennedy, R. I.	Porter	Whaley
Ellsworth	Kettner	Reavis	Winslow
Emerson	Kless	Robison, Ky.	Woodyard
Ferris	King	Romjue	

The SPEAKER. Three hundred and twenty Members have answered to their names; a quorum is present.

Mr. GOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

URGENT DEFICIENCIES.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12046.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12046, the second deficiency bill, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12046, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12046) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

Mr. SAUNDERS of Virginia. Mr. Chairman, we had just concluded a paragraph to which I had reserved a point of order.

The CHAIRMAN. The gentleman from Virginia.

Mr. SAUNDERS of Virginia. Mr. Chairman, when we adjourned, or rather when we arose on yesterday, we had just reached and concluded line 17, page 4, to which paragraph I

reserved a point of order. I desire to ask the chairman of the committee a question or two in reference to this item. Apparently—

Mr. GOOD. Page 4?

Mr. SAUNDERS of Virginia. Page 4. Apparently this is neither conjectural nor an actual deficiency. It relates to a flat appropriation for general expenses.

Mr. GOOD. The situation with regard to that item is that the amount carried in the bill is enough to pay the present force employed by the Interstate Commerce Commission until the 30th of June, and in addition to that \$25,000 that the commission estimates will be necessary to be expended by reason of the return of the roads to private control and because of pending legislation. There is a deficiency. There is not enough money appropriated to pay the expenses of the employees in the Interstate Commerce Commission for the balance of the year. Now, it does carry \$25,000 which the commission felt would or might be necessary for the rest of the year. There is an actual deficiency, however.

Mr. SAUNDERS of Virginia. Well now, is it proposed by this amount to increase anybody's salary?

Mr. GOOD. Not at all.

Mr. SAUNDERS of Virginia. I want to find out whether if a department wants to increase somebody's salary—

Mr. GOOD. No; it is not proposed, so far as the committee could ascertain, to increase anyone's salary. It is only to make provision for the payment of salaries that they have been paying for the past and are paying now.

Mr. SAUNDERS of Virginia. Well, does the committee take the attitude that if the department wants to increase somebody's salary and has not got the money to do it, then it is a conjectural deficiency? Is that held to be a deficiency?

Mr. GOOD. Of course the gentleman knows that the appropriation for years for the Interstate Commerce Commission has been in a lump sum; that it was not appropriated so much for one class and so much for clerks of another class, but it is all in a lump sum. The commissioners have always had rather a wide latitude in regard to the fixing of salaries, but my understanding is that that is not proposed out of this appropriation to grant increases, and no increases have been granted that have made this increase necessary, so far as I know.

Mr. SAUNDERS of Virginia. Then I withdraw the point of order.

Mr. SNELL. Will the gentleman yield for a moment to permit me to ask the chairman of the committee a question?

Mr. SAUNDERS of Virginia. I do.

Mr. SNELL. Had they put on an additional force?

Mr. SAUNDERS of Virginia. I renew the reservation of the point of order.

Mr. GOOD. Some additional force was put on some time ago. Mr. SNELL. Then this is in anticipation of the roads returning to private ownership and operation?

Mr. GOOD. Of course, it is in anticipation of their keeping their present force, and \$25,000 of it is in anticipation of the work that may be thrown on the commission because of their resuming their full duties under the law.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Valuation of property of carriers: To enable the Interstate Commerce Commission to carry out the objects of the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof," by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities, approved March 1, 1913, including per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, \$500,000.

Mr. WALSH. Mr. Chairman, I reserve a point of order. How does the Interstate Commerce Commission figure this out as a deficiency? They had an appropriation of \$2,500,000, as I understand it.

Mr. GOOD. They had an appropriation of \$2,500,000. It is and has been the plan of the Interstate Commerce Commission to complete the work of valuing railroad properties as soon as possible. When the war was on they consented to the discharge of some of the men who were doing field work and did not prosecute the work as vigorously as they had done before. Previously they had an appropriation of about \$3,500,000 a year. Now, after the signing of the armistice they took up the work of putting on more field men, returning their men to the work, and have actually expended for the first six months \$1,700,000, leaving a balance of the appropriation of \$790,000. It was the opinion of Judge Prouty that with \$500,000 they could carry on the work that they are now carrying on with the present or a reduced force, which is contemplated, to the 30th of June. This

would give them \$1,190,000 for the balance of the year. They spent for the first six months \$1,710,000.

Mr. WALSH. Was any testimony taken as to what they would require after the 30th of June?

Mr. GOOD. A great part of the field work will be done by the 30th of June. They plan to have this work all completed by the end of the fiscal year 1921.

Mr. WALSH. How much did they ask for as a deficiency?

Mr. GOOD. They asked for just what we gave them. It seemed to the committee that they made a complete case. They spent \$1,710,000 for the first half of the year and will have \$1,190,000 for the remaining months of the year; but that is because some of the men are being discharged because the field work is completed. It seemed to the committee the work ought to be completed as soon as possible.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONTINGENT EXPENSES.

For miscellaneous expenses, including maintenance and repair of a motor-propelled passenger vehicle, to be used only for official purposes; automobile mail wagons, including exchange of same; street car fare, not exceeding \$150; and other items not included in the foregoing, \$10,000.

Mr. JUUL. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. JUUL. I move to strike out the last word of the section.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. JUUL. I would like to know if we can not at some time or other come to the point where the departmental heads may be treated the same as Congressmen are?

Now, Mr. Chairman, here is an item of \$10,000 for motor-propelled passenger vehicles. Now, I happened to attend a meeting of one of the appropriating committees some time ago. There were 21 members of that committee, and all of the 21 members came to the committee meeting on foot, or they came in the street cars and paid their fares. But outside of the House Office Building was standing a motor-propelled vehicle, with a soldier sitting inside of it, and it stood there waiting while the committee meeting was going on. And I want to know if it is not time for this Congress to start in on a different tack? Can not the gentlemen from these various departments ride in the street cars the same as Congressmen do; and, if they do not want to ride on the street cars, can not they pay \$4 an hour as you and I do when we go down into the southwestern section of the city to visit the departments? I think these bills are filled up until they are choked with motor-propelled vehicles. If we are going to economize, let us start right in now. [Applause.] Is there a Congressman to-day who can come in here and ask for a motor-propelled vehicle when he has got to visit the departments? Here was an officer of the United States visiting the committee, to be questioned on a matter of appropriations, and there comes a car labeled "For official use only." Do you get any cars to ride in when you go to meetings? Why should they have them? I am absolutely and unalterably opposed to this waste of the Nation's money, and I hope there will be enough courageous gentlemen upon this floor to help stop this burning up of gasoline and this furnishing of cars for men that sit inside in committee meetings for hours, with a flunky sitting outside for hours waiting for them to come out. Let them use the street cars and get acquainted with the weird and wonderful street car system we have in this town the same as we do. I had hoped that the gentlemen who had this matter in charge would have seen to it that every departmental gentleman that does not like street cars would hire his own car. For one I am in favor of striking out every item that sends a lot of men riding around here in automobiles for which the Nation has to pay, driven by men paid out of the Public Treasury.

Let me ask, Is it an official use of a United States motor-propelled vehicle to have it stand outside the Willard Hotel for hours? What official business is being transacted in there? Is it necessary to have a motor-propelled vehicle standing outside any appropriating committee or some other committee while some military gentleman is in there telling you the necessity for the appropriations? Why should this continue to go on? Let us reduce the consumption of gasoline and the price will come down, and the farmers can use it for the tractors out in the fields. [Applause.]

Mr. GOOD. Mr. Chairman, the trouble with the argument of the gentleman from Illinois is that he simply grabs at one phrase in an appropriation item that is for the entire contingent expenses of a whole department. All the automobiles that are cared for out of this appropriation, aside from the Secretary's

automobile, are two motor trucks. The big part of this appropriation is to pay telephone expenses. Under the law and under the rates established by the Postmaster General, this department pays 2 cents for every interdepartmental call. That is the rate that has been fixed, and this year it takes \$7,500 just to pay the interdepartmental calls of the State Department. This is for their whole telephone service. Last year the contingent expense of the State Department was \$20,000. The appropriation for this year was \$12,000. Last year they had a regular appropriation of \$10,000 and a deficiency appropriation for \$10,000. Now, they are paying this year, as I say, for these interdepartmental calls, \$7,500, and the department is paying approximately \$3,000 for long-distance calls. I suppose the gentleman from Illinois would have this department throw out the telephones, and when some Member of Congress wanted to call upon the State Department for a constituent he would have to go down there, or the Secretary of State would have to come up and see him. I presume he would have us discontinue the use of telephones for long-distance calls and would have the Secretary of State go over to New York and transact the business he has there every day. I have no brief for the department. We went into this matter very carefully, and the amount expended for gasoline is a mere bagatelle. This appropriation is for the contingent expenses of one of the great departments of the Government, and I submit that \$20,000, with a department as big as the Department of State, under the present high costs of everything, is not an excessive amount.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. GARNER. Will this be sufficient to run them to the end of the fiscal year?

Mr. GOOD. They asked for \$12,000, and the committee went into the matter very carefully, and we thought that by the practice of economy they could get along and would get along with \$10,000.

Mr. GARNER. But does the gentleman from Iowa honestly believe that economy will be practiced to such an extent that we shall not be called upon to give another deficiency before the end of the year?

Mr. GOOD. I hope so.

Mr. GARNER. I asked you about your belief, not your hope.

Mr. GOOD. That depends. If they practice economy, they can get along, and get along well, within the appropriation.

Mr. GARNER. Then, as I understand the gentleman, if they do not practice economy, we shall likely be called upon to make another appropriation for this purpose. If they do not practice economy, why not tell them that they have got all the money they will get? If that had been done, they would not have need of this appropriation.

Mr. GOOD. I am willing to say to them that they will not get another deficiency for this year, if that will help. If by telling them that they must practice economy will induce the practice of economy, I am willing to make the statement as strong as the English language will permit.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. JUUL. Now, Mr. Chairman, I realize that there is probably not a gentleman on the floor of this House who desires to be more economical than the chairman of the Committee on Appropriations. But I want to tell you, gentlemen, I have seen those words "motor-propelled vehicles" in bills until I am sick of them.

Mr. GOOD. Let me say to the gentleman this: That it is necessary under the ruling of the comptroller to place those words in the contingent expense items. Otherwise they could not purchase gasoline or oil for the motor trucks.

Mr. JUUL. I do not want them to purchase gasoline for motor vehicles. Let every official of a department go and hire or buy an automobile for himself if he wants to ride in one. If they will not do that, let them do as Congressmen do, ride on the street cars or walk.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. JUUL. Yes.

Mr. BLANTON. Why do you not make a point of order against it and strike it out instead of simply lip speaking?

Mr. JUUL. I will tell the gentleman. The item is mixed up with a lot of other items that I have no grudge against, but I have a grudge against all items for motor-propelled vehicles for official purposes.

Mr. GOOD. The automobile privilege is abused by many departments, particularly the War Department, and I am willing to cooperate with the gentleman to correct this abuse.

Mr. BYRNES of South Carolina. Mr. Chairman, over \$10,000 of this appropriation is due to telephone service, and therefore

only a very small amount is due to expenditures for gasoline. So far as the motor cars are concerned, they have two trucks, one Ford runabout, and the Secretary's own car. Manifestly no great amount of gasoline is used for that purpose. The Congress furnishes a car to the Speaker of this House, I believe, and provides for its maintenance, and provides in this very language for the maintenance of the car of the Secretary of State and also for the other members of the Cabinet. Now, if we are going to provide a car, manifestly we ought to provide the small amount of gasoline necessary to operate it.

As to the telephone calls, the Department of State is not responsible for the price paid. The price is fixed by the General Supply Committee, which is composed of representatives of each department that contract for the service. If they did not have that interdepartmental service, the time consumed in going from department to department would cost a great deal more than the slight cost of the telephone, and therefore, while we may share the ideas of the gentleman from Illinois as to a number of items for motor cars, certainly as to this particular item it is the part of wisdom to let it remain in the bill.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. GARNER. The gentleman speaks of the Speaker having a car. I will ask the gentleman if the Democrats did not oppose having a car for the Speaker?

Mr. BYRNES of South Carolina. I do not know as to that.

Mr. GARNER. I remember that they took that position, and many of them took the position when the Democratic Speaker came in that a car should not be provided for him, and a number thought he should not use the car when it was provided, and I was one of those.

Mr. RUCKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. GOOD. Pending that, Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in six minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on the pending paragraph and all amendments thereto close in six minutes. Is there objection?

There was no objection.

Mr. RUCKER. Mr. Chairman, in my opinion the argument just made by the chairman of this committee [Mr. Good] in response to the point made by the gentleman from Illinois [Mr. Juul] was not responsive to the point raised by him. The gentleman from Iowa speaks of telephone charges and other matters of necessary expense. The gentleman from Illinois is not talking about that, but he is trying to call the attention of the House to an abuse which has become almost universal among the departments in this city. I agree with the gentleman from Texas [Mr. Garner] that this House ought not to appropriate for the purchase, repair, and operation of automobiles for the Speaker and for Cabinet officers. Why, gentlemen know that when we want to see a Cabinet officer we have to go to his place of business—to his office. We have to go at a certain hour, too, or you will find him out at lunch. It is hard to locate one of them. It is also hard to locate a chief clerk. They are at lunch if you go there at 11.30 o'clock, and they are frequently at lunch when you return at 2 o'clock or 3 o'clock. They eat too much. [Laughter.] If they would cease devoting so much of their time to devouring lunches, they would help to solve the problem of high cost of living in this Nation. [Laughter.]

But again, I want to ask if the expense of maintaining that motor-propelled passenger vehicle is so trivial, would the gentleman have any objection to striking that provision from the bill? If it amounts to nothing, let us take it out; but if it amounts to something, let us stand up like men and take the responsibility for our action. Will the gentleman accept an amendment striking out the words—

a motor-propelled passenger vehicle, to be used only for official purposes—

So that it will read—

including maintenance and repair of automobile mail wagons?

Mr. GOOD. No; I will not.

Mr. RUCKER. The gentleman will not agree to that?

Mr. GOOD. I will not.

Mr. RUCKER. Then it does seem to me that the gentleman's argument is hardly sincere. If it is such a trivial expense, why include it here? Let me call attention to the fact that in connection with this automobile business we must also furnish a chauffeur, and a shame that has grown up by reason of this improper appropriation has been witnessed by every man on this floor. During the recent war we saw men who were drafted and taken from home to help fight the battles of this Republic,

who were detailed to drive automobiles for men who were not their superiors except in rank. [Applause.] I never voted to drag the boys from home in my district to bring them to Washington to sit in a machine at the street curb waiting for some titled man to step from a building, and then open the door for him, put him in, cover him up with a laprobe, and take him where he wanted to go. It is an outrage to do it, it is an abuse of authority, and this House is primarily responsible for these conditions by making it possible for these gentlemen to operate Government-owned machines. I am opposed to it.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. GOOD. Mr. Chairman, we have gone into this matter in the past with regard to automobiles for Cabinet members and for the Speaker of the House. It is due to the gentleman from Missouri [Mr. CLARK] to say that while he was the Speaker of this House, so far as I know, he never asked the Committee on Appropriations for a dollar for an automobile; but it is to the credit of the House that it recognized the fact that he was one of the great officials of this Government, and that he and his family, because of the great duties that devolved upon him and upon them, should have an automobile at Government expense, and we gave it to him. [Applause.] And I thought this question was behind us.

Mr. RUCKER. Will the gentleman yield?

Mr. GOOD. I am in favor of every Cabinet officer having an automobile and having it taken care of at Government expense. It is the only decent thing to do, and the amount we would save in depriving these officials of Government automobiles is a mere bagatelle. The fact is that by doing so a real saving will be effected, for we provide for the transaction of business along business lines.

The CHAIRMAN. The gentleman's time has expired. All time has expired.

Mr. RUCKER. Mr. Chairman, I offer an amendment to the section.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

Mr. RUCKER. I move to strike out, in line 7, page 5, the words "a motor-propelled passenger vehicle to be used only for official purposes."

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RUCKER: Page 5, line 7, after the word "of," strike out "a motor-propelled passenger vehicle to be used only for official purposes."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question being taken; on a division (demanded by Mr. BLANTON) there were—ayes 9, noes 65.

Accordingly the amendment was rejected.

The Clerk read as follows:

FOREIGN INTERCOURSE.

For the salary of an envoy extraordinary and minister plenipotentiary to Finland, at the rate of \$10,000 per annum from February 1 to June 30, 1920, inclusive, \$4,166.66.

Mr. BLANTON. Mr. Chairman, I make a point of order against the paragraph that it is not a deficiency, and it should properly come in some other appropriation bill than this, if in any. It shows on its face that it is not a deficiency.

The CHAIRMAN. The Chair will hear the gentleman from Iowa [Mr. GOOD] on the point of order.

Mr. GOOD. Mr. Chairman, just a statement in regard to the facts. We have no minister to Finland. Practically all other countries have already appointed and accredited ministers to Finland. The Diplomatic and Consular appropriation bill that has just passed the House carries such a provision for the next fiscal year. It was the opinion of the Secretary of State that the United States would be greatly hampered if we did not immediately have a minister in that country. It is now a republic. I realize the fact that because the office has not been established in some prior Diplomatic bill this appropriation is not in order. It is subject to a point of order; but in justice to what we thought was due the Government of the United States, to our manufacturers, and our people, whose interests would be advanced by having this minister appointed now, we carried the provision in the bill. I admit that it is subject to a point of order.

Mr. MONTAGUE. Will the gentleman yield for a question?

Mr. GOOD. I yield to the gentleman.

Mr. MONTAGUE. Is it not true that Finland is perhaps the most central point for obtaining information as to Russia and the other contiguous disturbed sections of Europe?

Mr. GOOD. Unquestionably, that is true.

Mr. SNELL. Is it not a fact that we need an American minister there to look after the interests of Americans who are there?

Mr. GOOD. Unquestionably.

Mr. SNELL. We are doing it to protect our own people.

Mr. GOOD. Certainly. It would not have been put in there for any other purpose.

Mr. SAUNDERS of Virginia. Is it not clear that we will have a minister to Finland after the 1st of February?

Mr. GOOD. We will not have a minister there unless we appropriate the money.

Mr. SAUNDERS of Virginia. If you appropriate the money you will have him?

Mr. GOOD. That is quite likely.

Mr. SAUNDERS of Virginia. And you will need this money to pay him?

Mr. GOOD. Yes.

Mr. SAUNDERS of Virginia. Here is an urgent need?

Mr. GOOD. Yes.

Mr. SAUNDERS of Virginia. Is not that a conjectural or anticipatory deficiency?

Mr. GOOD. No; it is not a deficiency, because as yet the position has not been created.

Mr. SAUNDERS of Virginia. I understand; but it is perfectly clear that they will need this money.

Mr. MONTAGUE. Supplementing the inquiry heretofore propounded by the gentleman, is not Finland the very best place through which contact with Russia may be consummated and from which information as to Russian conditions may be obtained?

Mr. GOOD. Certainly. It was a part of Russia until the Republic was set up there in 1917.

Mr. MONTAGUE. And we have no accredited diplomatic agent in Russia now?

Mr. GOOD. We have a commissioner, but not a minister.

Mr. MONTAGUE. We have no diplomatic agent on Russian territory, have we?

Mr. GOOD. I think he does perform a diplomatic function, but he is not of the rank of a minister.

Mr. MONTAGUE. He is not an ambassador or minister?

Mr. GOOD. No; he is not.

Mr. BLANTON. Will the gentleman yield?

Mr. CLARK of Missouri. I should like to ask the gentleman a question.

Mr. GOOD. I yield to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Is not Gov. Francis still ambassador to Russia?

Mr. GOOD. I do not know.

Mr. CLARK of Missouri. I have never seen any account of his resigning.

Mr. GOOD. I think he is not in Russia now.

Mr. CLARK of Missouri. No; I know he is not in Russia now, any more than Mr. Fletcher is in Mexico.

Mr. GARNER. Have not they a custom by which they evade the law—which says that a diplomatic representative can not remain away from his post of duty longer than a certain length of time—by bringing them here and assigning them to duty here, where their duty in certain instances is simply to be here and draw their salaries?

Mr. CLARK of Missouri. It was said that Ambassador Fletcher was here to consult with the administration authorities about the condition of affairs down in Mexico. I want to ask a question. Is not Finland a part of Russia?

Mr. GOOD. No; it is a Republic.

Mr. CLARK of Missouri. How did it come to be a Republic? Mr. GOOD. They set up a separate form of government in 1917, and it has been recognized by all the powers as an independent Republic.

Mr. CLARK of Missouri. Did the United States ever formally recognize the Republic of Finland?

Mr. GOOD. Yes; we have recognized Finland as a Republic, and have appointed a diplomatic representative there, a commissioner, and Finland has sent a minister to the United States, and he has been accepted by us.

Mr. CLARK of Missouri. The New York Times says that we are going to recognize the soviet government of Russia. Suppose we do, will not they go down there and take this Republic by the neck and pull it back into Russia? [Laughter.]

Mr. GOOD. I think this might prevent anything of that kind. If we can help Finland by sending a minister there, we should certainly do so.

Mr. CLARK of Missouri. I would like to ask the gentleman how many people live in Finland.

Mr. GOOD. Three million five hundred thousand.

Mr. CLARK of Missouri. It is one of the oldest countries in Europe.

Mr. GOOD. Yes; formerly a part of Russia.

Mr. BLANTON. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. BLANTON. This great emergency was known to the Committee on Foreign Relations at the time they framed the Diplomatic and Consular bill, was it not?

Mr. GOOD. The last one?

Mr. BLANTON. Yes; the one we have just passed.

Mr. GOOD. Yes.

Mr. BLANTON. If it was such an urgent matter, of such great importance, why did not that committee have this item in that bill?

Mr. GOOD. It would have been subject to a point of order.

Mr. BLANTON. It would have been no more subject to a point of order in that bill than it is in this bill.

Mr. GOOD. The gentleman understands that the Diplomatic and Consular bill which we have just passed does not become effective until July 1 next.

Mr. BLANTON. Yes; but it could have been made effective at once.

Mr. GOOD. The Department of State chose to ask for a deficiency in the regular way, and it would have been subject to a point of order on either bill.

Mr. BLANTON. Suppose this anarchistic, bolshevistic, soviet Government of Russia should divide the country up into various republics containing not over 3,500,000 people, like Finland is, would the gentleman insist that an emergency arose whereby we should provide a minister for each one of those republics?

Mr. GOOD. That would depend upon whether we recognized the soviet governments and accepted their ministers. If we did, we would be almost compelled under the laws of civilized nations to send a minister there. That is international law and the rule of comity between nations requires it, and I do not think we should abrogate it.

Mr. BLANTON. Does not the gentleman from Iowa think it will behoove us to keep as far as possible from the Lenin and Trotsky powers now controlling Russia?

Mr. GOOD. I do not think that has anything to do with this matter.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. GOOD. Certainly.

Mr. SAUNDERS of Virginia. I understand the gentleman to say that the Department of State preferred to ask for this as a deficiency "in the regular way," and yet I understand the gentleman to say that this is neither a conjectural nor an actual deficiency.

Mr. GOOD. Unquestionably that is true.

Mr. SAUNDERS of Virginia. Then it is not "in the regular way"?

Mr. BYRNES of South Carolina. What the gentleman from Iowa said was that the Department of State preferred to ask for it in the deficiency bill instead of having it put in the Diplomatic and Consular bill, where a provision making it immediately available would have made it subject to a point of order. I want to say that the Republic of Finland stands as a bulwark against the Bolshevism of Russia. It has been recognized by nearly all the great Governments—Great Britain, France, Norway, Denmark, Italy, and every great power, also the United States. We have there a commissioner, but we should have a minister. A minister will aid in promoting the commerce of this country, and no point of order should be made against it.

Mr. BLANTON. Mr. Chairman, I make the point of order, and I insist on it. It is clearly not a deficiency item, and is so admitted by the chairman of the Appropriations Committee.

Mr. GOOD. That point of order I do not think would lie against this item. There may be a point of order that would lie against it, but that is not it.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is not germane to this bill or any item in it; that it is not authorized by law and is not a deficiency.

The CHAIRMAN. The Chair sustains the point of order on the ground alone that it is not authorized by law.

The Clerk read as follows:

To pay the quota of the United States as an adhering member of the International Railway Congress for the year ending April 15, 1920, \$400.

Mr. SAUNDERS of Virginia. Mr. Chairman, I reserve a point of order on this item. Is there any authority of law for these things? If the gentleman from Iowa says that there is, I will not bother him to look it up.

Mr. GOOD. This matter is all provided for by treaty and our legal obligations are fixed by that treaty. We are members of the International Railway Association.

Mr. GARNER. Will the gentleman yield?

Mr. GOOD. Certainly.

Mr. GARNER. Why was it that the Committee on Foreign Affairs did not carry this item in the regular way?

Mr. GOOD. The House bill carries the items, but the Senate bill did not carry them, and they went out in conference. They did not go out because they were not provided for by the treaty. It was recognized, but the items went out, as I understand it, because there was a feeling that we should not be members of this International Railway Council. We have been members for years, and under the treaty we must give one year's notice of our desire to withdraw. We have never served that notice and we have never paid our obligation. The Interstate Commerce Commission says that this is the only source of reliable information that is very valuable to them, to aid them in assembling figures with regard to the railways of the world outside of the United States, and they want the United States to continue as a member; but this is to pay the debts for the years that we have been members and have been receiving information as adhering members.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. GARNER. I want to take advantage of this situation to again call attention to the fact—and I shall continue to do so—that where people do not get an appropriation from one committee they go to another committee. I will illustrate it in this instance. These items the gentleman says were in the last bill as it passed the House. They were stricken out in the Senate, and in conference the House conferees yielded to the Senate on that amendment striking them out. These people now go to a different committee, which is the Appropriations Committee, and this identical bill will go to a different committee in the Senate, and there will be different conferees, and thereby these people will get a law from Congress that they could not get in the orderly way. This may have been in line with the gentleman's procedure last summer when he was undertaking to create the impression that he was trying to economize, but he is taking it back now, just as he will take it back, as well as a good many other things, next December, which he is trying to economize on now.

Mr. GOOD. This is for prior years, and so far as I am concerned, it does not make any difference what a committee of the Senate does. If there is the legal obligation on the part of the United States, and that is presented to a committee of the House, as a general rule that committee has recommended that that obligation be discharged by making the appropriation. Here is a legal obligation. How in the name of common sense any committee can stand up for a minute and say that we ought not to make an appropriation to pay our debts, I do not understand. We should be the last Nation to repudiate our debts.

Mr. GARNER. Mr. Chairman, the gentleman has been a Member of this House about the same length of time that I have. I know that the Committee on Foreign Affairs has abrogated two treaties since I have been a Member of this House by declining to make appropriations. Do I understand the gentleman from Iowa, the chairman of the Committee on Appropriations, to say that if the Foreign Affairs Committee of the House should decline to make an appropriation, although it was authorized by a treaty, that that committee, having sat upon the subject and decided not to make an appropriation, if that fact was brought to his attention, he would bring it in here in the form of a deficiency?

Mr. GOOD. If any committee of the House refuses to make an appropriation to discharge a legal and just obligation of the Government, where the Government has received the benefits that that obligation created, I believe the Committee on Appropriations are true enough in their Americanism to bring in a deficiency to pay the Government's debts when the matter properly comes before it.

Mr. GARNER. This is the first time that the Committee on Appropriations or its chairman has ever taken that position. Mr. Fitzgerald did not take that position. Mr. Fitzgerald took the position that when a matter was legitimately presented to a committee having original jurisdiction and that committee decided it was not wise to appropriate for it, he would not hear its advocates to consider a proposition to make it a deficiency.

Mr. GOOD. I think the gentleman, when he says this is the first time the Committee on Appropriations has taken the position—but be that as it may, so long as I am chairman of that committee I will never stand for the Government re-

pudding a single debt, not a dollar of its just obligations, no matter what the other committees may do. [Applause.]

Mr. GARNER. And no one else wants to do that, but I do not think the gentleman from Iowa will presume that other committees of this House are less virtuous than he is or less patriotic.

Mr. GOOD. I have made no such assumption.

Mr. GARNER. And if they decline to do a thing their judgment ought to be equally as good as his and they ought to be considered just as patriotic. Although I am not a member of any committee on appropriations, I protest against the Committee on Appropriations of this House undertaking to usurp the powers of the other appropriating committees where they have considered an original item and decline to appropriate for it.

Mr. GOOD. We have not done that.

Mr. GARNER. I would do this: I would constitute the Appropriations Committee the only appropriating committee in the House, and in that way take away the jurisdiction of the other appropriating committees.

Mr. GOOD. No committee of the House has ever declined to appropriate for this service. The Foreign Affairs Committee reported out the appropriation. It was the committee of the Senate that declined to appropriate for it. The matter was brought to our attention, and I am sure there is not a member of the Committee on Foreign Affairs of the House who would not say amen to the action of the Committee on Appropriations in reporting out this appropriation to pay a just and legal obligation of the Government.

Mr. BYRNES of South Carolina. Mr. Chairman, if the gentleman will yield, I simply want to say to the gentleman that members of the Foreign Affairs Committee told me that the representative of the State Department informed that committee of the fact that he had submitted this estimate to the Appropriations Committee, and that that was why they did not consider putting it in their bill which they have reported. That is what the gentleman from Texas [Mr. CONNALLY] informs me.

Mr. ROGERS. Mr. Chairman, I simply want to corroborate what the gentleman has said and to remind him that for many years the Committee on Foreign Affairs has uniformly reported out this little item of \$400, and it was carried in the bill which passed the House within a week.

Mr. GARNER. Why was it the Foreign Affairs Committee yielded on these items to the amendment of the Senate?

Mr. ROGERS. I was not a conferee, and I can not answer the gentleman.

The CHAIRMAN. Does the gentleman from Virginia insist on his point of order?

Mr. SAUNDERS of Virginia. Mr. Chairman, I did not make the point of order. I reserved the point of order, and I withdraw the reservation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For subscription of the United States as an adhering member of the International Prison Commission and the expenses of a commissioner, including preparation of reports for 1920, \$2,550.

Mr. SAUNDERS of Virginia. Mr. Chairman, I reserve a point of order on that section.

Mr. GOOD. That is in the same condition. That commission was established a good many years ago, and it was initiated by the Government of the United States in 1871. We have been members of that commission ever since, but there seems to have been no appropriation for this current year.

Mr. SAUNDERS of Virginia. What committee has been appropriating for this commission heretofore?

Mr. GOOD. That is carried in the Diplomatic and Consular appropriation bill.

Mr. SAUNDERS of Virginia. How is it that the Committee on Appropriations takes jurisdiction of these diplomatic and consular matters? This is certainly not a deficiency.

Mr. GOOD. I am not sure that the House last year carried this item in the bill, but it is clearly a deficiency; it has not been appropriated for and we owe the obligation.

Mr. SAUNDERS of Virginia. A deficiency arises when an appropriation is made which turns out to be insufficient or which is wasted by the executive functionaries charged with its expenditure. This is an appropriation proper to be made by the committee having jurisdiction. This is a plain case of usurpation of jurisdiction by the Committee on Appropriations.

Mr. GOOD. Oh, I think not. The amount in this case is so many francs per million people of population. Now, that is all provided for in the treaty. We created this International Prison Commission. This commission was created at our instigation and we have been adhering members of it all along, and

we have paid every year our part of the expense of the work of this commission. Now, our part for this current year is \$2,550. That is fixed by the treaty. We can not cut it down. There is a deficiency there because no money has been appropriated for fulfilling our obligation.

Mr. SAUNDERS of Virginia. Does the gentleman realize that he is stating a principle which, if lived up to, would allow the Committee on Appropriations to take over the jurisdiction of every other committee of this House?

Mr. GOOD. Oh, I think not.

Mr. SAUNDERS of Virginia. If any other committee fails to make an appropriation, leaves it out temporarily, for instance, why the Committee on Appropriations through its deficiency subcommittee might undertake to say, "We must take care of the United States, these other committees are not doing so, hence we will make the necessary appropriation."

Mr. GOOD. No; if we appropriated \$550 for the discharge of this debt when it took \$2,550 to discharge it, that would be a deficiency and—

Mr. SAUNDERS of Virginia. I will say if we appropriate anything—

Mr. GOOD. So, therefore, there is a deficiency now of \$2,550, because that was the amount of our obligation, and no part of it has been appropriated.

Mr. SAUNDERS of Virginia. The original appropriation belongs to this Committee on Foreign Affairs, and that committee has failed to function, but there is no conjectural, or actual deficiency, or anything of the kind. Looking through the precedents—and I have had occasion to do that recently—I find very elaborate rulings on the subject of holding committees within their respective jurisdiction. A very large part of one volume of Hinds' Precedents deals with the jurisdiction of the committees. These committees should be held down to their jurisdiction and appropriate activities.

Mr. Chairman, I withdraw the point of order, but later on shall insist upon having some of these usurpations stricken from the bill.

The CHAIRMAN. The gentleman from Virginia withdraws the reservation of the point of order, and the Clerk will read.

The Clerk read as follows:

TREASURY DEPARTMENT.

CONTINGENT EXPENSES.

For stationery, including tags, labels, and index cards printed in course of manufacture, for the Treasury Department and its several bureaus and offices, \$200,000.

Mr. BLANTON. Mr. Chairman, I reserve a point of order in order to ask the chairman of the Committee on Appropriations a question. I notice that of this \$200,000 a part of it is to pay for tags. I just want to call the attention of the chairman of the committee to the fact, which I mentioned once before some time ago on the floor, that the Director of the United States Employment Service spent about \$65,000 for a certain kind of useless tags or buttons which you put on the lapel of your coat and which have never been used, and they either have been thrown away or are still piled up down in the Department of Labor. None of this \$200,000 is to go for that kind of tags, is it?

Mr. GOOD. No; none of this goes for anything of that kind, although there is a waste of money under this appropriation. The attention of the committee was called to an abuse with regard to the sending out of Liberty bonds. I hold here a very heavy manila envelope, which is about 12 inches square, which has six large gobs of wax upon it. This is a sample of the envelope used to send a little Liberty bond about one-fourth of the size or half the size of that envelope to the banks and subscribers all over the country. By actual weight, if that was sent as first-class mail, the evidence alone and wax would cost 6 cents. Of course, it was an unbusinesslike way of sending out Liberty bonds. The wax performs no service. Now, the department asks for \$300,000, and we called attention to some of the facts in this connection before the committee, and we have cut out \$100,000 of the estimates, and we served notice upon them that they must make an effort to practice some of the homely virtues of economy that business men all over this Nation are forced to adopt. They have already discontinued the use of the wax. I do not know how long they will continue the use of this big, heavy manila envelope when an envelope half the size or one-fourth the size, weighing one-eighth the amount, would carry it just as safely to its destination.

Mr. BLANTON. The chairman will also remember that the Secretary asked the Congress to allow him \$10,000,000 to float the first Liberty loan, and that Congress saw fit to cut that half in two, and then after giving him only \$5,000,000, one-half of what he asked for, without spending all of that, he had the first Liberty loan oversubscribed nearly double.

Does not the chairman think we could cut this \$200,000 item in this particular section in half and still give plenty of money for the several little matters proposed in this appropriation?

Mr. GOOD. I think we have cut him to the quick on this appropriation.

Mr. BLANTON. Would not the chairman be willing to accept that amendment?

Mr. GOOD. I would not, because in cutting it \$100,000, in view of their present balances and the amount they have expended, I think we have cut as much as the circumstances will permit. I think we have, however, through the hearings, served notice that they must economize and cut out useless expenditures. And they have already abolished the use of this wax, which they have been buying by the ton.

Mr. BLANTON. The gentleman notices that it is for tags, labels, and index cards, \$200,000.

Mr. GOOD. Yes; but this is for the whole contingent expenses of the Treasury Department.

Mr. BLANTON. Are you not willing to teach them a little economy down there as well as in other departments?

Mr. GOOD. We are. We are cutting \$100,000 from this estimate.

Mr. GARNER. Mr. Chairman, I would like to take advantage of this to ask the committee's attention to the budget system, so that something may be in the RECORD that will drift over to the other end of the Capitol.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARNER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] has the floor on the reservation of the point of order.

Mr. GARNER. I will reserve it again, then.

If we had a budget committee, this abuse of discretion that has been called attention to, using this heavy manilla envelope and wax the gentleman speaks of, could not have possibly happened. And all we appropriate for it now is \$100,000. In other words, all he has saved in this item would have been originally saved if we had had a budget system such as has been proposed.

Mr. GOOD. Undoubtedly the budget system will bring about great economies.

Mr. BLANTON. Mr. Chairman, I withdraw the reservation.

The CHAIRMAN. The Clerk will read.

Mr. McFADDEN. Mr. Chairman, I move to strike out "\$200,000" and insert in lieu thereof "\$100,000."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. McFADDEN: Page 6, line 7, strike out "\$200,000" and insert "\$100,000."

Mr. McFADDEN. Mr. Chairman, I offer the amendment for the purpose of inquiring of the chairman how much of this appropriation for stationery is assigned to the bureau of the Comptroller of the Currency.

Mr. GOOD. I can not say how much was assigned, but they do not expend very much. For the fiscal year 1919 the Comptroller of the Currency expended \$770.77.

Mr. BLANTON. Most of that was probably because of communications to the gentleman who now has the floor.

Mr. McFADDEN. I want to say to the chairman in that connection that the Comptroller of the Currency must use a greater amount of stationery than that, because, as a matter of fact, during the past year he has sent out bulletin after bulletin challenging Members of Congress and criticizing them and boosting his own department. My thought in offering this amendment was to get information. My idea is that there must have been a good many thousands of dollars for stationery provided for the comptroller, because during the whole year, and especially during this month, he has sent out a letter or bulletin, criticizing a Member of Congress, to all of the national banks in the country; and he is frequently in the habit of sending out letters or bulletins and press notices, praising his own administration, to the banks of the country; and it seems to me that a great and useless waste of paper is taking place. Therefore I have offered this amendment to see whether or not some correction can not be made in this particular.

Mr. ANDREWS of Nebraska. Will the gentleman yield for a suggestion?

Mr. McFADDEN. I will.

Mr. ANDREWS of Nebraska. I will state to the gentleman that the matter of stationery in the Treasury Department is provided for under a general fund and that it is distributed through the stationery division to the various offices and bureaus of the department. To ascertain the exact cost of the

amount of stationery that each officer or bureau of the department uses, you would have to go to the stationery division and get a statement of the amount advanced on requisition to that particular office or bureau.

Mr. McFADDEN. Does the gentleman concur in my judgment that this \$770 does not cover the entire expense of the bureau?

Mr. ANDREWS of Nebraska. I will say that it is comparatively small when you look at the immense amount of correspondence that that department is compelled to carry on.

Mr. McFADDEN. During the month of January John Skelton Williams had printed on the official letterhead of the Treasury Department, addressed to the officers and directors of national banks, 12 closely typewritten pages embodying an attack on a Member of Congress who, in the discharge of his duties as a Member of Congress, saw fit to criticize his administration as Comptroller of the Currency. This letter was addressed to the officers and directors of national banks, and would indicate from its phraseology that it had been sent to all the national banks in the United States, which is simply a rehash of former utterances which long since had been made a matter of public record. This letter was printed on paper evidently furnished the Treasury Department from appropriations made by Congress. The typewriting and mimeographing had also been compiled on Government machines, probably by persons engaged in the Government service. The envelope bears the imprint of the Comptroller of the Currency, Washington, and was probably addressed by some one in the Government employ. The special letters coming under my observation bear 6 cents in postage stamps. There is nothing to indicate who paid this postage. Much of the correspondence contained in this letter has been mailed to bankers and others throughout the United States during the past year in Government franked envelopes, in strict violation of the law, and it would seem to me right and proper that an officer of the Government who abuses or who has abused the franking privilege of this Government to the extent that this man has should be deprived by Congress of the right to continue further the use of this Government franking privilege for his own personal use and aggrandizement.

This matter is particularly pertinent at this time because of the present status in office of John Skelton Williams. Three times the President of the United States has seen fit to nominate him to the vacancy existing in the office of the Comptroller of the Currency and three times has the Senate of the United States refused to confirm his appointment. Any ordinary man under similar circumstances would have sense enough to relieve the President of the future embarrassment of continuing this appointment, but this gentleman evidently prefers to cling to the pay roll of the Government in the same manner that he has continued to travel upon free passes over the railroads of the United States, which passes he received when Director of Purchases and Finance of the Railroad Administration, and notwithstanding the fact he resigned this position about one year ago he continues to cling to the free transportation. Now that I have brought this matter to the attention of the Appropriations Committee, I trust that they will see to it in the future that the appropriations for stationery, at least during this great national crisis caused by the shortage of paper, will be discontinued so far as this department is concerned.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For purchase of boxes, book rests, chairs, chair cane, chair covers, desks, bookcases, clocks, cloth for covering desks, cushions, leather for covering chairs and sofas, locks, lumber, screens, tables, typewriters, including the exchange of same, wardrobe cabinets, washstands, water coolers and stands, and for replacing other worn and unserviceable articles, \$3,000.

Mr. HICKS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question or two.

A number of years ago in the city of New York we found in various departments of the city government various purchasing departments or bureaus purchasing supplies for the use of the city. We found, for instance, in the matter of brooms, a commodity, of course, used by all the departments all through our city government, that in one department those brooms cost, I remember, \$1.25, and in another 75 cents—the same identical brooms. The difference in the cost of those brooms was due to a lack of system in asking for bids. Our city at once got busy, and we have now concentrated all the purchasing of supplies in one purchasing department, with the result that we have saved the city of New York thousands and thousands of dollars. I imagine that in this item and in other items of these various

departments we will probably find that a specific item, like brooms, will be purchased by one department for one amount and by another department for another amount, and I am wondering if the chairman of the Committee on Appropriations, in his effort for economy, has taken into consideration the possibility and the feasibility and the advisability of having some definite system by which these supplies can be purchased or by which contracts can be submitted?

Mr. GOOD. They have that system now. All the supplies are purchased through one central supply committee, and all of the departments go to that committee and get their supplies and pay for them to that committee out of their appropriations.

Mr. HICKS. I am very glad that has been done, Mr. Chairman.

Here is another point I would like to ask the chairman about. It is this item which covers typewriters. Now, of course, we have in the Government storehouses probably thousands of typewriters that were used during the war, and, of course, we have thousands of office desks and office chairs. Now, I understand there is some contract or some understanding or agreement made by this Government with the manufacturers of typewriters by which the Government must return those typewriters to the companies manufacturing them, and are forbidden to sell them to the consumers or the public. Now, I would like to ask the chairman of the committee just the nature of that, if he is aware of it?

Mr. GOOD. I did not quite catch the full import of the gentleman's question.

Mr. HICKS. We have had in our Committee on Naval Affairs an item pending of this kind—so much for typewriters—and when we made inquiry we found that there is a special contract between the Government and the manufacturers of typewriters by which these second-hand Government typewriters can not be sold to the private consumer. They must all be returned to the manufacturers.

Mr. BYRNES of South Carolina. Mr. Chairman, if the gentleman from Iowa [Mr. Good] will yield, I may say that the hearings show that instead of doing that the General Supply Committee has a contract for repairing the machines. They have them repaired under a contract. They had one estimate submitted for \$29, and instead of that they have been trying to cut it down to \$11.

Mr. HICKS. Would it be possible for the gentleman from South Carolina to go to a department of the Government, knowing that there are thousands of these typewriters on hand and not in use, and purchase one of these typewriters from the Government direct, or would he have to go and deal with the manufacturer?

Mr. BYRNES of South Carolina. I have no information other than that supplied by the representatives of the departments in the hearings before the Committee on Appropriations. Their statement is that they are not now purchasing. Mr. Myers, of the Treasury Department, said this:

The Government is practically purchasing no typewriters. We are purchasing them from bureaus that went out of existence since the war.

Those machines have been turned over to a contractor to be repaired, and as they have a demand from a department for a machine they issue that machine.

Mr. HICKS. My inquiry goes to the sale of these machines to the general public.

Mr. BYRNES of South Carolina. I say I do not know as to that, but I think it would be exceedingly unwise for the Government to sell them when there is such a demand for them from the departments.

Mr. HICKS. There must be many thousands more than what the Government can use.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the last word.

Mr. ANDREWS of Nebraska. Mr. Chairman, the departments, through the General Supply Committee, make contracts annually for supplies, such as typewriters. They also provide in the contract that the machine that has become badly worn may be turned in at a stated price in part payment for a new machine, or it may be repaired at a stipulated price.

These contracts are made annually and regularly through that channel. No department can sell such property to the public except under the terms prescribed by the law, which would be for a turning in by notice on publication and sale by auction. The funds then would go back into miscellaneous receipts, so that there is no margin here under the ordinary

course of procedure for a diversion of any of this property to any channel if the parties in charge of the contracts and of the bureau follow the regulations and the law.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For washing and hemming towels, purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamois skins, cotton waste, door and window fasteners, dusters; flower-garden, street, and engine hose; lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps and repairs of same, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, toilet paper, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, street car fares not exceeding \$250, advertising for proposals, and for sales at public auction in the District of Columbia of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other absolutely necessary articles, \$3,000.

Mr. BLANTON. Mr. Chairman, I reserve a point of order to ask a question.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

Mr. BLANTON. I want to call the attention of the chairman of the committee to some of these items mentioned in this paragraph. Take, for instance, "chamois skins." What use on God's earth has the Treasury Department for chamois skins?

Mr. GOOD. I suppose they are doing the same thing with them that they have been doing for a good many years. That is the language that has heretofore been used. I do not know if any chamois skins are now actually purchased or not.

Mr. BLANTON. The only use I ever have had for a chamois skin is to wash off my machine.

Mr. GOOD. I suppose it is used for cleaning windows and the metal fasteners and fixtures.

Mr. BLANTON. And "flower gardens" are mentioned also.

Mr. GOOD. Well, there is a very beautiful flower garden down around the Treasury Department, put there at public expense. Does the gentleman want to remove it?

Mr. BLANTON. Oh, no; but they have enough highly paid flunkies down there already to take care of that flower garden without having a special appropriation for it.

Mr. GOOD. The increased deficiency is caused by the increased cost of washing and hemming towels, and things of that sort. But the gentleman can point out the unbusinesslike methods in the department without hurting my feelings in the least.

Mr. BLANTON. And "thermometers." Does not the gentleman think that all of these items are a little overdone in all these departments?

Mr. GOOD. Possibly so. I did not buy them. But the gentleman will understand that we cut this item \$1,000.

Mr. BLANTON. If there are certain items in here that they can get along without, when we are facing a \$3,000,000,000 deficit, ought we not to strike them out—every article that they can get along without?

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. DENISON. I see an item here for "street hose." While the gentleman from Texas is interrogating the chairman of the committee, will he not ask about that item?

Mr. BLANTON. The gentleman certainly is not too modest or bashful to propound his own questions. [Laughter.]

Mr. DENISON. The gentleman was asking questions about these various things, and I thought I would give him an opportunity to ask a question about that.

Mr. BLANTON. It is not the kind of hose that the gentleman has in mind.

The CHAIRMAN. The reservation of the point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For purchase of labor-saving machines and supplies for same, including the purchase and exchange of registering accountants, numbering machines, and other machines of a similar character, including time stamps for stamping date of receipt of official mail and telegrams, and repairs thereto, and purchase of supplies for photographic copying machines, \$7,500.

Mr. BLANTON. Mr. Chairman, I reserve a point of order on this paragraph.

The CHAIRMAN. A point of order is reserved.

Mr. BLANTON. This paragraph partly provides for the purchase of labor-saving machines. I want to ask the chairman if he is aware of the fact that in the Bureau of Engraving and Printing we have labor-saving machines not in use, which have been bought with the money of the people at great expense to this Government, and which if used would save labor to a substantial extent, and which can not be used because of the one fact that the labor unions in charge of that department will not permit this Government to use them? It is a case of the serv-

ants being more powerful than the master. Does the chairman know anything about that?

Mr. GOOD. I do not know to what extent that abuse exists.

Mr. BLANTON. Has the gentleman ever heard of it?

Mr. GOOD. I have heard something of it.

Mr. BLANTON. If it exists, is it not time for this Government to teach these employees that they can not run this Government?

Mr. GOOD. I hope the gentleman will take that up with the Secretary of the Treasury. There is where the saving must be effected. The Secretary of the Treasury is the man that spends the money. He is responsible for the expenditures under this appropriation. I am not claiming his appropriation has been expended with economy. I doubt it; but for some reason he needs more money. But these machines that we are providing for here are not machines for the Bureau of Engraving and Printing at all. They are to take the place of some old machines that are worn out. They tried to exchange one of their old machines for one of these "millionaire machines" that they are going to buy—that is the title of the machine—a great labor-saving device to be used in the mints, but were unable to do so.

Mr. BLANTON. Have they gotten permission from the unions to do that?

Mr. GOOD. I do not know about that.

Mr. BLANTON. I want to give the chairman of the committee a concrete case. The wife of a Member of this Congress, who represents a district not so very far from Washington, had occasion not long ago to visit the Bureau of Engraving and Printing in company with some other ladies. They were being shown through, and one of the employees showed a certain number of other employees working on certain matters of business, and then called attention to a little machine and said, "Now, there is a machine that could take the place of all of those employees, but we do not use it." This Congressman's wife asked why it was not used, and the employee said, "Why, these employees here will not permit it to be used. Their union opposes it because it would take the place of so many laborers employed in this building."

I want to say that if that is permitted longer to exist in this Government it is an insolent outrage on common decency, and if I occupied the position occupied by the chairman of this great Republican Appropriations Committee I would make it my business to see that that was corrected.

Mr. GOOD. We have no "Republican Appropriations Committee."

Mr. BLANTON. Oh, well, it is a Republican Appropriations Committee after all.

Mr. GOOD. It is an American committee.

Mr. BLANTON. It is controlled by the Republican steering committee.

Mr. GOOD. No; it is not controlled by any other committee.

Mr. DENISON. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Illinois.

Mr. DENISON. What would the gentleman from Texas do if he was President, or if he was the head of that bureau?

Mr. BLANTON. I would clean it up from top to bottom, and I would run it like I thought it ought to be run, labor unions to the contrary notwithstanding; and, if any union attempted to perform my duties and run the department for me, I would let them understand who was running that department.

Mr. DENISON. Then the gentleman is apparently of the opinion that the head of this bureau is not doing his public duty?

Mr. BLANTON. If he is prevented from using labor-saving machines by orders of unions, he is lying down, just like this Congress lies down and passes the buck, and the gentleman knows it as well as I do.

Mr. BYRNES of South Carolina. Mr. Chairman, I rise only to say that I have no information as to what the Director of the Bureau of Engraving and Printing is now doing as to these so-called labor-saving machines, but when he was last before the Committee on Appropriations he stated that he was using these machines, and the present director is very much in favor of using every one of these so-called labor-saving machines.

Mr. SAUNDERS of Virginia. Will the gentleman from South Carolina, while he is on his feet, give me some information?

Mr. BYRNES of South Carolina. I will if I can.

Mr. SAUNDERS of Virginia. How is this a deficiency?

Mr. BYRNES of South Carolina. The chairman of the committee can inform the gentleman about that.

Mr. SAUNDERS of Virginia. Then I will ask the chairman of the committee.

Mr. GOOD. This is a deficiency because there is not money enough in the appropriation to purchase the things that are

necessary to be purchased. They have an appropriation for this year of \$7,500. Last year they had an appropriation of \$10,000 and a deficiency appropriation of \$10,000. When the chief clerk was before us there was an unexpended balance of only \$466.18 for the rest of the year. The machines are wearing out. Supplies must be purchased all the time. They must have other machines to do this work or they must take on additional force. Now, they have found that these labor-saving devices do effect a saving to the Government in dollars and cents, just as the gentleman from Texas [Mr. BLANTON] has stated.

Mr. SAUNDERS of Virginia. Some committee has made an appropriation under this head heretofore?

Mr. GOOD. The legislative, executive, and judicial appropriation bill carries this item.

Mr. SAUNDERS of Virginia. Now, this particular functionary or bureau wants to go out on a new line and get some more machines?

Mr. GOOD. No.

Mr. SAUNDERS of Virginia. That is what this is for—labor-saving machines and supplies for the same.

Mr. BLANTON. For the purchase.

Mr. GOOD. They are desiring to purchase machines to take the place of old machines that are worn out, and in some places they are purchasing machines of an improved type to take the place of the worn-out machines, which are of an older and less efficient type than the new ones which they desire to purchase.

Mr. BLANTON. Mr. Chairman, I make the point of order. I think they ought to use the ones they have before we give them new ones.

Mr. GOOD. What is the point of order?

Mr. BLANTON. That this is not a deficiency; that it is merely to purchase something new; to provide additional supplies; and I think we ought to use the machines that we have before we buy new ones.

Mr. GOOD. The same point of order has already been ruled on. There is an actual deficiency here.

Mr. BLANTON. It is not authorized by law.

Mr. SAUNDERS of Virginia. In what bill did the gentleman say this was carried?

Mr. GOOD. In the legislative, executive, and judicial appropriation bill.

Mr. SAUNDERS of Virginia. That was passed only recently, was it not?

Mr. GOOD. It became a law in March, 1919, for this fiscal year.

Mr. SAUNDERS of Virginia. For what year is this appropriation intended to apply?

Mr. GOOD. This is for the fiscal year ending June 30, 1920.

Mr. SAUNDERS of Virginia. For the balance of this year?

Mr. GOOD. Yes.

Mr. SAUNDERS of Virginia. Was it developed before the Committee on Appropriations that this department can not function until the end of the year without this money?

Mr. GOOD. That is what they say.

Mr. SAUNDERS of Virginia. That their work will break down?

Mr. GOOD. They say they must have these machines, and they have only \$466.18 balance on hand.

Mr. SAUNDERS of Virginia. Are these labor-saving machines some entirely new machines?

Mr. GOOD. Some of them will be entirely new machines.

Mr. SAUNDERS of Virginia. It is a new venture, then—a new policy on the part of this department?

Mr. GOOD. Oh, no; it is not a new venture at all. The machines are new in the sense that they have not been used, and some of them will be new in the sense that they will be improvements over the machines which are now being used, that are worn out and will have to be discarded and replaced.

Mr. SAUNDERS of Virginia. This is a replacement of existing machines by other machines of the same character?

Mr. GOOD. They are mostly for the auditor's office, and the gentleman knows that of all the executive offices that have been overworked because of the war the auditor's office has suffered severely.

Mr. SAUNDERS of Virginia. Is this Mr. Kram's office?

Mr. GOOD. No.

Mr. BYRNES of South Carolina. It is, most of it, in the office of the Comptroller of the Currency?

Mr. GOOD. Yes.

Mr. SAUNDERS of Virginia. If it is in Mr. Kram's office in the Post Office Department, I know that is a very efficient department.

Mr. BYRNES of South Carolina. Will the gentleman from Iowa yield to me to answer the gentleman from Virginia?

Mr. GOOD. Certainly.

Mr. BYRNES of South Carolina. I can only give the gentleman the information which was given by the representative of the department before the committee, that this money is to be used for type, ink, multigraph copies, broken parts, and miscellaneous expenses incident to the operation of the machines. It seems that it is to maintain the machines, and a deficiency has been incurred in that fund, leaving them a balance of only \$466.

The CHAIRMAN. The gentleman from Texas makes the point of order against the paragraph on the ground that it is not a deficiency.

Mr. BLANTON. And not authorized by law.

The CHAIRMAN. The gentleman did not make that one of his grounds originally.

Mr. BLANTON. Yes, Mr. Chairman; but probably the Chairman did not catch it.

The CHAIRMAN. Can the gentleman from Iowa cite the Chair to the authority for the appropriation?

Mr. GOOD. The general provision of the law creating the department, providing its duties, how they shall function, carries with it incidentally the power to provide things necessary to carry on the work.

Mr. BLANTON. But not to buy every newfangled labor-saving machine that it may, and then not use it because the employees will not let it.

Mr. GOOD. Is it possible that we have a statute creating the great Treasury Department in this country and that when a typewriter breaks down or they want a new ribbon they can not buy it without coming to Congress?

The CHAIRMAN. The gentleman from Texas makes the point of order that this is not a deficiency and that it is not authorized by law. The Chair has called upon the chairman of the committee to produce the law, and the chairman of the committee has not been able to put his hand upon it. The Chair is constrained to believe, however, that the fundamental law establishing this department must have been broad enough to authorize the purchase of the necessities for the proper conduct of the business. Therefore the Chair overrules the point of order based on that ground.

Next let us consider the point that this is not a deficiency item. In the legislative appropriation bill for 1920 there is a provision substantially, if not exactly, in the same language carried in this bill. It carries \$7,500 in amount. It appears that an estimate has been made by the department stating that the appropriation is insufficient and that an additional amount is necessary to carry the department through the remainder of the current fiscal year. The Chair is of the opinion that this constitutes a deficiency in the parliamentary sense as used in this House, and therefore overrules the point of order. The Clerk will read.

The Clerk read as follows:

OFFICE OF AUDITOR FOR TREASURY DEPARTMENT.

For compensation to be fixed by the Secretary of the Treasury, of such temporary employees (nonappropriated) as may be necessary to audit the accounts and vouchers of the bureaus and offices of the Treasury Department, \$25,000.

Mr. BLANTON. Mr. Chairman, I make the point of order that this is not a deficiency and that it is not authorized by law.

The CHAIRMAN. Can the gentleman from Iowa, chairman of the committee, cite the Chair to the law authorizing this provision?

Mr. GOOD. Section 169 of the Revised Statutes provides:

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

This language is the same language that was carried in the appropriation for this fiscal year wherein \$25,000 was appropriated. They have asked for \$35,000, and the committee gave them what it thought would be necessary for the Secretary of the Treasury to have this work done.

Mr. BLANTON. This item seeks to permit the Secretary of the Treasury to fix the compensation.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. SAUNDERS of Virginia. I call the gentleman's attention to the fact that he read the statute in regard to clerks "apportioned for" and this is for clerks "not apportioned for." There is a vital difference.

Mr. GOOD. The gentleman must have misunderstood me. The statute says "appropriated for."

Mr. SAUNDERS of Virginia. I understood the gentleman to say "apportioned for."

Mr. GOOD. If I so read it, it was misreading of the statute. The statute reads as follows:

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

Mr. SAUNDERS of Virginia. May I ask the gentleman, does that apply to clerks in audit; in other words, does the Auditor of the Treasury Department under that section employ clerks so competent that they can audit accounts of bureaus, and so forth?

Mr. GOOD. The Secretary of the Treasury is the head of the Treasury Department and the Auditor of the Treasury Department is under the Secretary of the Treasury.

Mr. SAUNDERS of Virginia. I understand.

Mr. GOOD. All his force comes within the provisions of the law.

Mr. SAUNDERS of Virginia. Does the gentleman understand that the force in that section would be an expert force and come under the civil service?

Mr. GOOD. They are all civil service employees except the auditor. This does not provide for the salary of the auditor; that is carried in the legislative bill.

Mr. BLANTON. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. BLANTON. Can the gentleman cite us to the law that delegates the right of Congress to fix the compensation of the employees of the Secretary of the Treasury? That is what this paragraph seeks to do—to delegate one function of Congress to the Secretary of the Treasury in fixing the compensation of employees.

The CHAIRMAN. The Chair is ready to rule. Section 169 of the Revised Statutes provides:

Each head of a department is authorized to employ in his department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employees, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

A case in point was raised in the House on March 23, 1906. The legislative appropriation bill was under consideration in Committee of the Whole House on the state of the Union, and Mr. Hardwick, of Georgia, made a point of order that there was no law to authorize the proposed appropriation for one telephone switchboard operator in the Department of State. After debate the Chairman of the committee, Mr. Hopkins, of Illinois, held that "a telephone switchboard operator may be fairly classed as a sort of laborer, skilled laborer, within the spirit of the statute."

The Chair is of opinion that this case is covered by the law and that the appropriation is authorized by section 169 of the statutes.

Mr. BLANTON. Mr. Chairman, right there, will the Chair permit me to call his attention to the fact that this is for temporary employees, and is not for permanent employees, classified by law.

The CHAIRMAN. The statute does not say permanent or temporary, but "such other employees as may be appropriated for by Congress from time to time."

Mr. BLANTON. These are temporary employees, nonappropriated.

Mr. BAER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it, if it applies to this point of order.

Mr. BAER. It does not.

The CHAIRMAN. Then the gentleman will refrain.

Mr. BAER. It applies to all these points of order which are continually being made, delaying this bill. I wanted to know if they are going to continue to keep them up all day long?

The CHAIRMAN. The gentleman does not propound a parliamentary inquiry. The Chair, having examined the statute in the case, and the precedents, believes that this appropriation is authorized by law, and that it is a deficiency. The Chair, therefore, overrules the point of order.

Mr. BLANTON. Would the Chair kindly permit me to reserve an exception?

The CHAIRMAN. Does the gentleman wish to appeal from the decision of the Chair?

Mr. BLANTON. No; I just want to reserve an exception.

The CHAIRMAN. The Chair does not understand what that term means as applied to the proceedings of this House. The Clerk will read.

The Clerk read as follows:

For pay and allowances prescribed by law for commissioned officers, cadets and cadet engineers, warrant officers, petty officers, and other enlisted men, active and retired, temporary and substitute surfmen, and one civilian instructor, \$1,000,000.

Mr. BLANTON. Mr. Chairman, I reserve a point of order on that. Does this carry any increase in salaries?

Mr. GOOD. As the gentleman knows, the Coast Guard have been recently returned to the Treasury Department and they are now receiving additional compensation.

Mr. BLANTON. Unauthorized by law?

Mr. GOOD. No; it is authorized by law, but it is an additional compensation over the compensation received before the war. It is a war-time compensation that is recognized by statute.

Mr. BLANTON. Is this increase embraced in the million-dollar appropriation authorized by law?

Mr. GOOD. Oh, I think everything that is in this bill with regard to the Coast Guard, at least this provision, is authorized by law.

Mr. BLANTON. Will the chairman state that he knows that?

Mr. BYRNS of Tennessee. The paragraph itself states "for pay and allowances prescribed by law."

Mr. BLANTON. And it carries no increases?

Mr. GOOD. No; and the disbursing officer could not pay out a dollar of this appropriation unless it was authorized by law. He could not increase the pay.

Mr. BLANTON. Mr. Chairman, I withdraw the reservation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUREAU OF INTERNAL REVENUE.

Enforcement of the "national prohibition act": For the employment of additional officers, traveling and other necessary miscellaneous expenses to guard intoxicating liquors in bonded and other warehouses, and prevent violations of the "national prohibition act," \$1,000,000.

Mr. GALLIVAN. Mr. Chairman, I reserve the point of order on that. I want to ask the chairman of the committee if we have passed any legislation providing for the guarding of intoxicating liquors?

Mr. GOOD. We have passed some legislation at this session of Congress authorizing the Commissioner of Internal Revenue to enforce the so-called Volstead Act, and it is under that provision of law that they are asking for this money, and the guarding of the liquor is one of the methods by which the law will be enforced.

Mr. GALLIVAN. Mr. Chairman, I think it is a far stretch of the imagination to say that you are enforcing the law by guarding intoxicating liquors. We have passed many penal statutes, but this seems to be the only one for the enforcement of which we are appropriating money. I make the point of order.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. GALLIVAN. Yes.

Mr. BLANTON. If you do not guard it, might not citizens from Massachusetts get some of it?

Mr. GALLIVAN. I do not know that the appetite of the Massachusetts man is quite as keen for it as is the appetite of the gentleman's constituents in Texas. They seem to get it anyway.

Mr. BLANTON. Oh, we drink buttermilk down there.

Mr. GOOD. Mr. Chairman, section 2 of the Volstead Act provides:

SEC. 2. The Commissioner of Internal Revenue, his assistants, agents, and inspectors shall investigate and report violations of this act to the United States attorney for the district in which committed, who is hereby charged with the duty of prosecuting the offenders, subject to the direction of the Attorney General, as in the case of other offenses against the laws of the United States; and such Commissioner of Internal Revenue, his assistants, agents, and inspectors may swear out warrants before United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the prosecution at the committing trial for the purpose of having the offenders held for the action of a grand jury.

This million dollars is for the enforcement of the national prohibition act. It can not be expended for any purpose other than for the enforcement of the very act that section 2 of the Volstead law provides should be enforced by the Internal Revenue Commissioner. He estimated \$2,000,000 to enforce that act in addition to the \$2,000,000 carried in the act, but the committee felt that a considerably less sum than that would be adequate, especially in view of the fact that there must be some additional legislation if the Commissioner of Internal Revenue shall hold under the present law he has not sufficient authority to force the owners of the liquor to concentrate it in a few warehouses. There are 350 bonded warehouses, 300 distillery warehouses, and about 26 special warehouses, besides a few others.

It is obvious that this liquor ought to be concentrated in a few warehouses, where it can be guarded without great expense. If we throw open these bonded warehouses and let everybody go there and get what liquor they want, does the gentleman think that would be the enforcement of the law that was contemplated?

Mr. GALLIVAN. Mr. Chairman, that is not the question at all. Just as soon as you pass some legislation authorizing the concentration of these intoxicating liquors in certain bonded warehouses I will vote for any appropriation to enforce it, but I respectfully submit to the Chair that as yet we have passed no legislation authorizing the guarding of intoxicating liquors.

Mr. GOOD. Mr. Chairman, I have taken the trouble to look up the question, and good authority holds that the commissioner does have the power to compel this liquor to be concentrated in a less number of warehouses.

Mr. GALLIVAN. Once more I suggest to the gentleman and to the Chair that this is giving authority, and that they do not now have authority.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. BYRNS of Tennessee. Mr. Chairman, the national prohibition act was passed for the purpose among other things of preventing the sale and consumption of liquor. It is well known, of course, that there are millions of gallons of liquor stored in various warehouses all over the country. Now, it seems to me that it can be fairly argued that the law gives to the Commissioner of Internal Revenue, who is charged with the enforcement of the national prohibition act, the right to employ guards to guard that liquor in these various warehouses and prevent its being taken from the warehouses for the purpose of being consumed and sold, possibly, in violation of the law.

The CHAIRMAN. Will the gentleman answer the Chair a question? If the gentleman's contention is correct that he would have ample power to do this, then why is it placed in the bill at all?

Mr. BYRNS of Tennessee. I do not know just why the language was specifically written in the bill. It seems to me, Mr. Chairman, that it was really unnecessary to write it in the bill, because, as I construe it, the Commissioner of Internal Revenue would have the right to employ guards or take any other step that is necessary to prevent the sale of whisky or the taking of whisky from these bonded warehouses without his permit, because otherwise it can only be taken away from the bonded warehouses for the purpose of violating the national prohibition act. If guards are necessary to keep it from being taken away from the warehouses, then clearly the Commissioner of Internal Revenue, it seems to me, has the right to employ guards, and I think it is clearly authorized under the law.

Mr. DEWALT. Will the gentleman yield?

Mr. GALLIVAN. I will yield.

Mr. DEWALT. I desire to ask a question of the gentleman from Tennessee. Does he think that this provision has only in contemplation the guarding of liquors in storage in bonded warehouses?

Mr. BYRNS of Tennessee. Well, that is the main purpose, I take it, of this particular appropriation, although it says for the employment of additional officers, traveling and other necessary miscellaneous expenses.

Mr. DEWALT. If that is the main purpose, let us read the provision, and I call the attention of the Chair to the reading of the provision: "Enforcement of the 'national prohibition act.'" Then comes a colon. "For the employment of additional officers, traveling and other necessary expenses to guard intoxicating liquors in bonded and other warehouses, and prevent violations of the 'national prohibition act.'" Evidently by a legal construction of this phraseology it would have two purposes: First, to guard the liquors in bonded warehouses to prevent the removal thereof, and, secondly, prevent violation of the national prohibition act. Clearly two purposes are expressed. Now, if that be the intentment of this provision, then we have this anomalous situation, that this \$1,000,000 may be in whole or in part appropriated and expended on the guarding of liquors in bonded warehouses, or under the provisions of this phraseology it may be totally or in part expended to prevent violations of the prohibition act. Now, is there a dual authority here in the Federal court with reference to a violation of the prohibition act, the Volstead Act, and also authority resting with the Internal Revenue Department? I say yes, that is true, according to the tenor of the Volstead Act, but if this is intended solely for the guarding of liquors in bonded warehouses and to prevent the removal thereof, then it should be expressed possibly in these terms: "And other necessary miscellaneous expenses to guard intoxicating liquors in bonded and other warehouses and prevent violation of the removal of liquors from such bonded warehouses or illegal use thereof." Then it would confine it to the purpose intended by this act or by this phraseology. But if you leave it as it is now, then the

whole million dollars might be appropriated entirely for the enforcement of the provisions of the Volstead Act other than the guarding of this liquor in these warehouses.

Mr. BYRNS of Tennessee. I agree with the gentleman that the Commissioner of Internal Revenue would have the discretion to use the million dollars for any purpose which he thought necessary to prevent violation of the national prohibition act.

Mr. DEWALT. Other than the removal.

Mr. BYRNS of Tennessee. Other than the removal of liquor in bonded warehouses, but the appropriation is made for the purpose of enabling the Commissioner of Internal Revenue to employ guards, and I think, as the gentleman says, that under its phraseology he would clearly have the right to use it in any way he may think necessary to prevent a violation of the national prohibition act.

Mr. DEWALT. And that was possibly in the mind of the gentleman from Massachusetts.

Mr. SAUNDERS of Virginia. Let me suggest, if the gentleman will pardon me, granting the contention of the gentleman from Pennsylvania, that would not go to the point of order, but only to the exercise of discretion by the department.

Mr. BYRNS of Tennessee. I was just about to make that remark to the gentleman from Pennsylvania [Mr. DEWALT]. Now, it is my contention, in addition, that liquor can not be taken out of the bonded warehouses unless it is taken out by permit from the Commissioner of Internal Revenue, as provided by law. Those who remove liquor from the bonded warehouses without permission of the Commissioner of Internal Revenue do so illegally, and they do so for the purpose of violating the national prohibition act. Why, is it not a fair construction to say that under the national prohibition act Congress has authority to give to the Commissioner of Internal Revenue an appropriation to employ guards to prevent the violation of that act by the removal of whisky from bonded warehouses?

Mr. SABATH. Will the gentleman yield?

Mr. BYRNS of Tennessee. I have not the floor.

Mr. GALLIVAN. I have the floor, and I yield to the gentleman from Illinois.

Mr. SABATH. I agree with the gentleman that the commissioner would have jurisdiction in bonded warehouses, but this provision and appropriation does not only provide for the employment of guards in the bonded warehouses but also provides for them in other warehouses. Wherein has the Commissioner of Internal Revenue or anyone any right or any authority or any jurisdiction to designate or appoint guards for private warehouses? There is nothing here that would preclude or prevent the Commissioner of Internal Revenue from appointing thousands of guards for all kinds of warehouses. The Commissioner of Internal Revenue has only jurisdiction in the Government bonded warehouses, and nowhere else. He has no jurisdiction in any private warehouses. Consequently, the point of order that has been made by the gentleman from Massachusetts [Mr. GALLIVAN] should be sustained.

Mr. GALLIVAN. Now, Mr. Chairman, I would like to ask some one of these gentlemen on the committee for what purpose are these liquors to be guarded? What are they going to do with them? Why are we going to spend a million dollars to guard intoxicating liquors, and for how long, and for what reason, and for what purpose? What is the Government going to do with it?

Mr. BYRNS of South Carolina. There are several reasons for this. First, the Government has a taxable interest in it; and, in the second place, under the national prohibition act the Government is going to spend millions of dollars for the enforcement of the law, hunting down those who are violating the law. Manifestly we ought to guard the warehouses, the sources from which the liquor is taken that is sold in violation of the law. It is unwise to spend millions of dollars to go around the country and arrest men for selling liquor and not make any effort to enforce the law by preventing it from getting out of the warehouses.

Mr. GALLIVAN. Is it clearly in evidence that the warehouses are not now guarded?

Mr. BYRNS of South Carolina. There is one civil-service employee at a warehouse, who is, of course, unable to guard a warehouse during the 24 hours of the day. As a result, nearly every day one of these warehouses is broken into and whisky taken from it. Now, as a matter of fact, this is what happens: The distiller is called upon to pay the taxes even if the liquor is stolen. I doubt seriously whether the Government can make him pay that tax if the question is taken to the courts. The Government claims it can. I seriously doubt when the Government has control of a man's property and he can not get to it himself, and we fail to guard it, we can make him pay \$6.40 a

gallon tax on liquor which is stolen. We have two reasons for guarding it, namely, to protect property in which we have an interest to the extent of the tax; and, second—and this is the principal reason—to prevent it being taken from the warehouses and having it sold in violation of the law.

Mr. SABATH. Is it not a fact that all that applies to the bonded warehouses controlled by the Government, and that the Government has no jurisdiction over any private warehouse?

Mr. BYRNS of South Carolina. Over warehouses that are under control of the Government.

Mr. SABATH. Those are bonded warehouses.

Mr. BYRNS of South Carolina. Yes. There are different kinds of warehouses. These are all designated as bonded warehouses. They make a distinction between distillery warehouses and general bonded warehouses. I know the gentleman is aware of that, coming from the State of Illinois.

Mr. SABATH. We have not many bonded warehouses in the State of Illinois, I will say to the gentleman.

Mr. BYRNS of South Carolina. They make some distinction between the warehouses of the distillers and warehouses centrally located, which are not called distillers' warehouses. There are in all about 800 warehouses under the control of the Government.

Mr. SABATH. They are under the jurisdiction of the Government.

The CHAIRMAN. The Chair is ready to rule. The act of October 28, 1919, known as the national prohibition act, contains ample provision for its enforcement. In sections 2, 3, and 6 of Title III of that act there are numerous provisions in regard to warehouses for storage and distribution of alcohol to be used for other than beverage purposes. Under the general provisions of section 13 and following sections of Title III the commissioner has power to issue regulations respecting the establishment, bonding, and operation of industrial alcohol plants, denaturing plants, and bonded warehouses authorized therein, and the distribution, sale, export, and use of the alcohol that may be necessary, and so on. Under section 38 of Title II of that act the Commissioner of Internal Revenue and the Attorney General of the United States are respectively authorized to appoint and employ assistants, experts, clerks, and other employees, in the District of Columbia or elsewhere, to enforce this act. It is therefore very clear that there is ample law for enforcing the prohibition act and that an appropriation for enforcing the act is in order.

This paragraph, however, in the bill introduces phraseology which is not contained in any part of the act, so far as the Chair is able to ascertain. Whether or not the law as it now stands authorizes the appointment of guards the Chair is unable to state offhand. Whether or not the commissioner would be amply justified under the law as it stands to employ all the guards he wishes to employ the Chair does not know and is not now called upon to decide. It seems to the Chair that it may be fairly contended that the introduction here of this new language providing explicitly for the employment of guards introduces new legislation. In fact, there would seem to be no other adequate reason for the new language. If it accomplishes this purpose it is subject to a point of order.

The Chair therefore sustains the point of order of the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Good: Page 10, after line 12, insert: "Enforcement of the national prohibition act: For the necessary expenses in preventing violation of the national prohibition act, \$1,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SABATH. Mr. Chairman, I would like to ask the chairman of the committee a question or two.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. SABATH. Mr. Chairman, this is in addition to the \$2,000,000 appropriation that was made here in the last appropriation bill. Am I right?

Mr. GOOD. Yes.

Mr. SABATH. When did these gentlemen assume jurisdiction? When did that office go into effect? If I am not mistaken, was it not on January 16? Is not that true?

Mr. GOOD. The national prohibition act became effective January 16.

Mr. SABATH. Prior to that this new organization had no jurisdiction?

Mr. GOOD. The gentleman means under the war-time prohibition provisions of that act?

Mr. SABATH. No. This new prohibition organization under the prohibition act went into effect January 16. Is not that correct? The old organization in the Internal-Revenue Bureau up to January 16 had jurisdiction in all these matters relative to the collection of taxes and the enforcement of the war-time prohibition act.

Mr. GOOD. The national prohibition act itself carried \$2,100,000 for the enforcement of the act, and it placed upon the Attorney General and the Commissioner of Internal Revenue the duty of enforcing that act.

Mr. SABATH. Yes.

Mr. GOOD. One hundred thousand dollars of that went to the Department of Justice, and the remainder went to the Commissioner of Internal Revenue.

Mr. SABATH. Yes, sir.

Mr. GOOD. Now, as to how much of the \$2,000,000 was expended, if any, under the war-time prohibition provided for in that act I am not advised.

Mr. SABATH. Was the appropriation available for the enforcement of the war-time prohibition? Was it not available only for the enforcement of the national prohibition act?

Mr. GOOD. It specifically states that it is available for the enforcement of the provisions of the act.

Mr. SABATH. When was this commissioner appointed who now has jurisdiction? When did he assume jurisdiction?

Mr. GOOD. Do you mean the Commissioner of Internal Revenue?

Mr. SABATH. No; the enforcement commissioner.

Mr. GOOD. January 16, as I am advised.

Mr. SABATH. Was any evidence given as to how much money was expended prior to January 16; and if so, by whom, and for what purposes? Is there any evidence at all?

Mr. GOOD. They have been expending a certain amount of money, and a good deal of money, in preparing their organization to enforce the law. Just how much they have expended this committee is not advised. The matter is one where, by the very nature of things, it is going to be difficult to say how much will be required to enforce the act.

Mr. SABATH. I will be brief. What I desire to know is this: How much has already been expended by this new organization out of the \$2,000,000?

Mr. GOOD. I do not believe I can give the gentleman that information.

Mr. SABATH. Then, on what do you base your recommendation?

Mr. BLANTON. Regular order, Mr. Chairman.

Mr. SABATH. This is the regular order.

The CHAIRMAN. The gentleman from Illinois is proceeding in order.

Mr. BLANTON. On what?

The CHAIRMAN. On the amendment offered by the gentleman from Iowa [Mr. GOOD].

Mr. BLANTON. He did not ask to be recognized in opposition to it.

Mr. GOOD. The item carried is on the estimate of the Commissioner of Internal Revenue. He estimated that the total expense of enforcing this law for the balance of this year, including the guarding of the liquor, would be \$2,000,000, in addition to the \$2,000,000 appropriated. The guarding of the liquor he considers one of the important methods by which the law can be enforced, and that without guarding the liquor it can not be enforced.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that I may proceed for another five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GOOD. They asked for \$2,000,000 additional, giving them \$4,000,000. The committee reported out \$1,000,000. They have a force already organized that will take up all of their \$2,000,000 carried by the act without providing anything for the guarding of this liquor, and thefts are being committed every day in the removal of liquor from bonded and other warehouses.

Mr. SABATH. I do not object to the expenditure of a reasonable amount, or any amount that will be required to enforce this act; but I do not believe that even if you appropriate this additional \$1,000,000 that is asked for, and then an additional \$10,000,000, you will be able to enforce this legislation, this prohibition law.

Mr. GARNER. Mr. Chairman, will the gentleman yield right there?

Mr. SABATH. In a minute. And for that reason I believe we ought to know about how much it will take, in the estimation of these gentlemen, at least this year, in attempting to enforce this legislation.

Now, there are some gentlemen who will jump up almost any moment on the floor—sometimes ten or twenty-five times during a day—objecting to the expenditure of 15 cents, or \$15, trying to shout "economy!" I do not believe in false economy, although I am a believer in real economy. I believe that this is only a beginning. Within a short space of time there will be a demand for an additional million, or two or five million, and I am satisfied that no matter how many millions you appropriate, you will not be able to enforce this prohibition act, because the people of this country, the people of America, are against this unjustifiable prohibition act, and for that reason I believe that we should consider, and consider well, before we start to vote out million after million to enforce such a law, which is against—

Mr. BLANTON. Against the Constitution!

Mr. SABATH. Yes, sir; against the Constitution of the United States.

Mr. VARE. Mr. Chairman, has the gentleman offered an amendment to reduce the amount?

Mr. SABATH. I have not. I am against any amount until more information is furnished me as to how much has already been expended.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. IGOE. Mr. Chairman, I rise in opposition to the amendment. I desire to ask the chairman of the committee a question. The chairman stated, in answer to the question of the gentleman from Illinois [Mr. SABATH], that it is impossible at this time to estimate how much it will take to enforce this law. At least that is the answer I understood him to give. Is that correct? That is, the officials of the department have been unable to estimate the amount?

Mr. GOOD. I do not understand that any man can tell what it will cost to enforce the prohibition law.

Mr. IGOE. Has the committee allowed the department the amount requested by them?

Mr. GOOD. No. The department asked for \$2,000,000 as deficiency, and the committee recommended \$1,000,000.

Mr. IGOE. Why did the committee take that position?

Mr. GOOD. If a guard was provided for each warehouse all the time, with the appropriation already made, carried in the act, together with the \$1,000,000, they would have enough money to guard all the warehouses in which spirits are stored. Now, if we are going to guard each warehouse with a military company or regiment, that is a different proposition.

The committee also had in mind that some action must be taken soon with regard to concentrating this liquor into a few warehouses instead of being scattered, as it is now, in about 800 warehouses. We must remember that if this liquor is withdrawn for scientific or medical purposes, the person who withdraws it pays a tax of \$2.40 a gallon to the Government; but if the liquor is stolen, then the owner must pay the Government a tax of \$6.40 a gallon. Now, the Government has a dual interest in this liquor. It is first to see that the tax is paid, and next to enforce the law and to see that the liquor is not used in violation of the law.

Mr. IGOE. The reason I asked the question was this: I noticed the statement in the press the other day that the Anti-Saloon League was raising \$25,000,000 from the people of the United States to see that this law was properly enforced; and it seems to me that it is the duty of the Government, through its officers and officials, to enforce the law and not rely upon private concerns or private individuals. Now, why should it be necessary for a concern to raise \$25,000,000, when this Government ought to be able to provide the funds and the agents in sufficient amount and number to enforce the law properly?

Mr. GOOD. Of course, I can not answer that.

Mr. BLANTON. Will the gentleman permit me to answer the question?

Mr. IGOE. No; I do not yield.

Mr. BLANTON. I can answer the question.

Mr. IGOE. I want to ask another question. The gentleman said something about having the military to enforce the law. The gentleman does not think we have reached that point yet, does he?

Mr. GOOD. No; I certainly do not.

Mr. IGOE. At least not at this time.

Mr. GOOD. No.

Mr. GARNER. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. GARNER. The gentleman speaks of concentrating these liquors. Under what process of law could we concentrate private property?

Mr. GOOD. I am told that under the statutes the Commissioner of Internal Revenue has power to require the concentration of the liquor.

Mr. GARNER. Could he require a man to take his liquor out of a warehouse and transport it 200 miles? In other words, under what provision of the statute could a man be required to do that?

Mr. GOOD. The general law, with regard to bonded warehouses, I understand, is broad enough. I do not have the law before me. I looked it up the other day in connection with some other Members of the House, and it was the general opinion that there was authority for the concentration of the liquor in the bonded warehouses. I will say to the gentleman that it might be necessary for the Government to pay the expense of the transportation incident to that concentration. I am not so sure about that, but rather think such might be the case. We may need additional legislation.

Mr. GARNER. I will ask the gentleman to put that statute in the Record this afternoon, or at some time, so that the Ways and Means Committee can have it, for we have under consideration the question of legislation regarding this bonded warehouse liquor, and so forth; and so far as anyone on the Ways and Means Committee has any information or even suggestion, there is no power in the present law by which the Internal Revenue Department can take charge of private property and move it from one county to another, or from one State to another, without the consent of the owner. Of course, if that statute exists already, we would like to know it. I merely ask the gentleman to put that law into the Record.

Mr. GOOD. The attention of the gentleman from Minnesota [Mr. VOLSTEAD] was called to this large estimate for a deficiency and to the fact that if there was not already authority to concentrate this liquor in a few warehouses Congress ought to enact some law granting that authority, because \$8,000,000 a year to enforce this law is, it seems to me, an unreasonable charge upon the Government, and that is what it means if these estimates are reliable. So the gentleman from Minnesota [Mr. VOLSTEAD] brought the statute. I do not know that I can put my hand upon it now. He pointed out to me that in his opinion the Internal Revenue Department had pretty broad powers, and the reading of it convinced him that the department has the power to concentrate the liquor in the bonded warehouses. The gentleman can get the reference to that statute from the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. GARNER. Let me say to the gentleman that I fully agree with him that there ought to be legislation on this subject, and I think it is the duty of this Congress before we adjourn to have some far-reaching legislation with reference to the liquors that are now on hand in this country. I think myself to take \$6,000,000 a year, and that is what the Internal Revenue Department has asked for—

Mr. GOOD. No; \$8,000,000.

Mr. GARNER. I did not know it was as much as that—to take \$8,000,000 a year for the purpose of enforcing this statute is to my mind the most ridiculous proposition that has ever been submitted to Congress, although if we may judge by the activity of the Anti-Saloon League, from the newspaper reports, there are a great many people in this country, and very good people, too, who believe that the efforts that the Government might put forth, even with \$8,000,000, will not be sufficient, and they are going to supplement it with \$25,000,000 with which to enforce this law.

Mr. WALSH. Would it not be a good idea to turn this liquor over to the Anti-Saloon League?

Mr. GARNER. It ought to be turned over to somebody, so as to relieve the Government of this expense.

Mr. MANN of Illinois. I move to strike out the last word. I take it that most of the \$1,000,000 proposed by this amendment will be used, if appropriated, for guarding liquor in bonded warehouses. The truth is the man who owns liquor in a bonded warehouse is between the devil and the deep sea. He can not sell it for beverage purposes, he can not withdraw it for beverage purposes, he can not destroy it without paying the Government tax upon it. If somebody steals it from him, he is required to pay the beverage tax upon it. He can not make use of it in any way whatever except to let it remain in his warehouse at his risk, not the risk of the Government. This is under the action of the prohibition law and under the action or nonaction of Congress. Eventually there must be some disposition by Congress of this liquor. I doubt whether the Internal Revenue Office has the power, against the protest of the distillers, to move this liquor from one warehouse to

another; but, as a rule, there will be no protest, because in this particular case the proposition is that the Government, forbidding the owner of the liquor to do anything with it at all except to pay the tax on it if he loses it and not permitting him to use it, not permitting him to destroy it, he will not object if the Government attempts to guard him from loss by seeing that nobody steals his whisky.

As long as the Government takes the position that it does, of the dog in the manger, on the subject—and I am not criticizing the Government for taking that position up to the present time—as long as it takes the position of the dog in the manger, it ought at least to guard the manger from theft. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I want to add this to what has been said by the gentleman from Illinois. The situation is this: We have 69,000,000 gallons of liquor, according to the last estimate of the department, in bonded warehouses. There are 400 bonded warehouses, 350 distillery warehouses, 26 general warehouses, and 28 special warehouses. The Commissioner of Internal Revenue can effect a concentration of this whisky in a few warehouses in only one way, and that is by refusing to guard warehouses except those designated by him, and thus bring pressure to bear upon the owners to move the whisky into certain warehouses. The difficulty is that in a great many cases this whisky has been sold, and the owner, the man who holds the certificate, can not be found. If it was owned by one individual, that individual would certainly do what the gentleman from Illinois has suggested—immediately transfer the whisky to a warehouse designated by the Commissioner of Internal Revenue. The distillers have had a conference with the commissioner, and I know that in that conference they expressed an entire willingness to move it, and a great many not only expressed willingness to move it but to make the owner of the whisky pay the expenses of transporting it to the warehouse designated by the commissioner where their property might be protected. But while this would accomplish the removal of the greater part of it, in many instances it is impossible to locate the holder of the warehouse certificate, and if any portion remained in a warehouse it would require guarding.

Now, if we grant this appropriation the commissioner can be depended upon to do all in his power to bring about a concentration of the whisky in order to reduce expense and guard it and reduce the danger of its being stolen. Congress must take some action to arrive at a final solution of it, but until that is done the interest of the distiller and the interest of the Government demand that the Government take care of it. The distiller himself gives a bond to the Government insuring the Government against loss by withdrawal of the liquor. If it is stolen, the Government will seek to recover on the bond.

The appropriation will provide for about 2,000 men. Now we only have 400 men. With the 2,400 men they will have 3 men for each warehouse, so that there will be three shifts and a watchman for each hour of the 24. With all that precaution some of it may be stolen, but in a great measure it will afford sufficient protection. The way that liquor is now stolen trucks come up to the warehouse. A man can not carry away a barrel of whisky in his vest pocket. He must have an automobile to transport it. When they break into a warehouse they steal 8 or 10 barrels of liquor, upon which the Government loses the tax, while the distiller loses his property. I think in the interest of enforcing this law, and in the interest of justice to these people, this appropriation should be made.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in six minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this amendment and all amendments thereto close in six minutes. Is there objection?

There was no objection.

Mr. UPSHAW. Mr. Chairman and gentlemen of the committee, the Congress that passed this prohibition law also passed an act for the enforcement of the law, and it is simply child's play, it seems to me, for this lawmaking body to hesitate about providing the means for a proper enforcement. This matter covered in this item is only a method of enforcement, and that is all. The disposition of the liquor in the warehouses will somehow be provided for later, but I am not discussing that now.

This is the thing I want to emphasize. The eyes of the world are on the United States of America, the first great Government of the people, by the people, and for the people that has put a beneficent law like this by orderly constitutional process on the statute books of the Nation. We owe it to ourselves for subjective reasons and objective reasons that we shall leave no stone unturned to properly enforce this law. [Applause.]

We must do it subjectively, because, I tell you—and every man in the United States who travels over the country knows it—that the same forces that sought to prevent the enactment of the prohibition law are now banded together with a vicious determination that is positively hideous trying to keep the law from being enforced.

Mr. SABATH. Will the gentleman yield?

Mr. UPSHAW. As soon as I say this: I was about to say, as I said to a crowd of men not long ago about another measure which they said they would not obey if it were passed, that it makes a poor impression on Congress, which represents the American flag, to say: "If you pass this law, we will not obey it." A law passed in a country like ours must be obeyed until it is repealed by orderly governmental process. And so I say, as an American citizen, in all good humor, even if I could divorce myself from my well-known dry proclivities, it does not make a good impression on the country, now that this law has been passed, for any Member of this body to stand in this presence and say that we can not enforce the law that we have passed. Such a statement on the part of any Member of this lawmaking, law-abiding body, tends to encourage lawbreakers all over America.

Mr. BROOKS of Pennsylvania. Will the gentleman yield?

Mr. UPSHAW. Not until I get through. Now, some Member wanted to know why the Anti-Saloon League is raising \$25,000,000 to enforce the law. I happen to know a good deal about the inner workings of that patriotic body. It so happens that it was the coordinating force of patriotic men who drew together the scattered friends of prohibition and who have done the job so well that they have brought national prohibition long before its most sanguine friends dreamed it could be done. And now they want to help their country that they have helped to redeem to enforce this wholesome law in order to preserve our youth, to preserve our self-respect—yes, and the respect of the onlooking world. [Applause.]

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. No; the gentleman will excuse me, but I must get this out. I want to give the information asked for, and here it is: It is plain as can be that it is going to cost the Government heavily to enforce this law, and if these patriotic men and women who have contributed to the support of the Anti-Saloon League wish voluntarily, unselfishly, to give their money, two-thirds of which is to be used for the Americanization of millions of foreigners who oppose prohibition and also for the enforcement of the law at home, and one-third of which is to carry the benefits of prohibition to the nations of the earth which are reaching out their pleading hands to us, then we ought in God's name to crown their unselfish efforts with praise instead of criticizing them on the floor of this House. The truth is, everybody knows that their efforts have been effective and that is why the foes of prohibition oppose their efforts now.

Mr. BROOKS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Yes.

Mr. BROOKS of Pennsylvania. I just want to make this statement: I have heard more prohibition people say that they would not obey the law than I have heard it said by those who are opposed to prohibition.

Mr. UPSHAW. I answer the gentleman that it is curious that the very gentlemen, my good friends and colleagues, who on the floor of this House fought the enactment of this law are now the ones who oppose any measure to rightly enforce this law. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. DEWALT. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Iowa be again reported.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. GRIFFIN and Mr. SABATH) there were—ayes 47, noes 18.

Mr. BROOKS of Pennsylvania. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-eight Members present.

Mr. BEGG. Mr. Chairman, I move that the committee do now rise.

The question was taken.

Mr. BEGG. Mr. Chairman, I demand tellers.

Tellers were ordered; and Mr. BEGG and Mr. GALLIVAN were appointed to act as tellers.

The committee again divided and reported—ayes 4, noes 98.

So the committee refused to rise.

The CHAIRMAN. One hundred and two Members have voted, a quorum is present. The question is on the motion of the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. BROOKS of Pennsylvania) there were—ayes 75, noes 24.

Mr. BROOKS of Pennsylvania. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. Ninety-nine Members voted. The Chair did not vote, but his presence makes 100, a quorum.

So the Good amendment was agreed to.

The Clerk read as follows:

To pay the estate of Charles L. Freer, deceased, late of Detroit, Mich., the amount of income tax paid by him on profit on the sale, in 1915, of 12,095 shares of Parke, Davis & Co.'s stock, \$1,000,000 of the proceeds from the sale of said stock having been given to the Smithsonian Institution for the erection of a building to house the art collections presented to the Nation by Mr. Freer under deed of gift dated May 5, 1906, and the remainder having been paid by Mr. Freer for the purchase of additional objects which have been added to the collections and presented to the Nation by him, \$13,252.21.

Mr. BLANTON. Mr. Chairman, I make the point of order that this is not a deficiency and is not authorized by law.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman reserve the point of order for a moment?

Mr. BLANTON. I reserve the point of order.

Mr. MANN of Illinois. Mr. Chairman, this is an unusual item in any bill. Mr. Charles L. Freer, of Detroit, through the course of his life made an extensive and a very expensive collection of beautiful paintings and objects of art which were presented to the National Museum. Subsequently he presented \$1,000,000 for the construction of an art building in which to house his collection. It appears that the million dollars raised, which was presented, was raised by the sale of some stock in the firm of Parke, Davis & Co., of Detroit. I would like to have the attention of the gentleman from Texas.

Mr. BLANTON. Oh, I am hearing every word the gentleman says.

Mr. MANN of Illinois. I know, but I like to have undivided attention.

Mr. BLANTON. The gentleman from Illinois always gets that from every Member of this House whenever he takes the floor to speak.

Mr. MANN of Illinois. It is very nice of the gentleman to say that. There was a slight profit upon the sale of this Parke, Davis & Co. stock, upon which an income tax was due. Congress passed an act specifically providing in terms that this tax should not be collected from Mr. Freer, referring to this transaction. I do not recall in what bill that was enacted.

Mr. GOOD. It was in the sundry civil appropriation act.

Mr. MANN of Illinois. I did not expect to take the floor on this matter, and did not particularly inform myself. Congress did specifically legislate providing that this tax should not be paid by Mr. Freer. However, I presume before he knew the act was passed, and, for aught I know, before the act was passed, he made his return and paid the tax. Under ordinary conditions the Government would have refunded this money as being paid improperly. It would be like the collection of income tax from some other source, where the Government constantly makes refunds, under the general law, where the person has paid too much income tax, or collects the balance where he has not paid enough. In this case he had paid the tax. Congress had provided, as I have said, that he should not pay the tax, but because of technicalities, difficulties, I take it, in the way, the department has ruled that it can not refund this tax without further special act of Congress.

Congress having accepted this money, and having specifically provided that the profit tax should not be collected on the profit which was made by the sale of these bonds in order to turn the money over to the Government, it seems to me that we are reneging if, having taken the money, we now refuse to pay it back. That is all there is to it. If Mr. Freer had not paid the tax promptly, he would not have had to pay it at all. He paid the tax without being notified that Congress had remitted it; and now, as we have taken the money, under the circumstances it looks only fair to pay it back.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. BLANTON. Does not the gentleman from Illinois believe that there ought to be some limitation to the items which continually go into deficiency appropriation bills?

Mr. MANN of Illinois. I think this is a proper item in a deficiency bill, as far as that is concerned.

Mr. BLANTON. If the gentleman from Illinois thinks that, I will withdraw the reservation.

Mr. MANN of Illinois. I think it is a proper item in a deficiency bill. If it is anything, it is a deficiency.

Mr. BEE. I understand that the \$13,000 is in the Treasury of the United States and that the United States will involve itself in no loss by its being paid back.

Mr. MANN of Illinois. Not at all.

The CHAIRMAN. The gentleman from Texas withdraws his reservation.

Mr. WATSON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I appreciate the fact that an act of Congress was passed refunding this amount to the heirs of Mr. Freer. In an interview I had with an official of the Treasury Department I was informed that during the year 1918 \$12,000,000 was paid into the Treasury on account of excessive taxation; in other words, illegal collections. Running back for a period of three or four years, perhaps there are millions of dollars now in the Treasury belonging to taxpayers. I was also advised the only way to refund the overpayments is by an appropriation in a deficiency bill. Has the chairman of the committee information as to when the Secretary of the Treasury will authorize the appropriations to repay the taxpayers from whom taxes were illegally collected?

Mr. GOOD. Well, there is an indefinite appropriation. The Commissioner of Internal Revenue under the law is authorized to refund taxes which have been illegally collected, and the commissioner is doing that; but this provision is necessary because in this case the tax was not illegally collected, but the tax was legally collected, and after it had been collected in the act of June 12, 1917, Congress directed a cancellation of the tax. Now, the authority to cancel the tax did not convey authority to remit the money already collected, so this is simply necessary now in order to correct the tangle into which we got at that time. If the act of June 12 had directed the return of the money collected, that would have been an end of it, but Congress acted on the assumption that the tax had not been paid and authorized the cancellation of it, whereas the tax had been collected, and it now requires an act authorizing the Secretary or the commissioner to refund it.

Mr. WATSON. I understand that; but in opposition to the gentleman's statement that the United States Treasury is authorized to refund an amount that has been illegally collected, I have a notice from the Treasury Department stating that in regard to the excess income taxes paid in 1916—

Mr. GOOD. Oh, yes.

Mr. WATSON. The notice states that—

refunding taxes illegally collected, hereafter to be made, when an appropriation is made—

Mr. GOOD. That is true; that is, for a tax collected more than three years ago it requires an appropriation, but when the tax is illegally collected, and the person from whom it was collected makes demands for its return because it was illegally exacted within three years from the time he paid it, then the commissioner is authorized under the law now to refund.

Mr. WATSON. Do I understand the money must remain in the Treasury three years before—

Mr. GOOD. No; he can make his demand the next day after he has paid it, or at any time within three years, and the Commissioner of Internal Revenue is authorized to refund it; but if he does not make his demand until more than three years after he has paid it, then it requires an act of Congress.

Mr. WATSON. I am familiar with the statute, Mr. Chairman; but my contention is this, that the Auditor for the Treasury Department should notify the taxpayer of the illegal collection within the three fiscal years in order to avoid a special appropriation, which always causes delay. This procedure, I claim, is not fair or just to the taxpayer.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

MISCELLANEOUS.

For payment to John M. Francis in accordance with the provisions of the act entitled "An act for the relief of John M. Francis," approved December 30, 1919, \$181.

Mr. BLANTON. Mr. Chairman, I make the point of order that this is not a deficiency.

Mr. GOOD. It is not subject to the point of order. It is a special act of Congress.

Mr. BLANTON. Oh, it could be a special act of Congress, Mr. Chairman, and yet be properly provided for in other appropriation bills. Certainly it is not a deficiency item.

Mr. MANN of Illinois. Well, I think the gentleman will see he is mistaken. Here was a special act of Congress which ordinarily provides for the appropriation itself. When we pass a private bill to pay a certain sum of money we ordinarily make

the appropriation in the act itself. But sometimes we do not, through inadvertence. Now, in this case there was no appropriation made by the act itself, and under the general law which forbids the payment of money out of the Treasury without an appropriation, the Secretary of the Treasury is not authorized to pay the \$181 which we have already provided should be paid. But we did not provide for it. Now, this is a deficiency item for the very reason it is now due under a special act of Congress.

Mr. BLANTON. I want to ask the distinguished gentleman from Illinois if a deficiency item proper is not a matter of expenditure that has already been incurred by some department of the Government—

Mr. MANN of Illinois. Not at all.

Mr. BLANTON. That it is an expenditure of money that has already been made and not money—

Mr. MANN of Illinois. Not at all. If so, we could not pass a deficiency bill which would wind up with the year. A deficiency item is an item to be expended during the present fiscal year.

Mr. BLANTON. For instance, what are known as the Sevier heirs have a claim 110 years old against this Government amounting to over \$100,000,000. Suppose, perchance, they should get that claim through the Claims Committee and have it passed by Congress authorizing the payment to them of over \$100,000,000; would that come in a deficiency bill?

Mr. MANN of Illinois. If it was not in the original bill passed making an appropriation it would be in order on the first deficiency bill, because it was due. As soon as we pass an act providing money shall be paid, it is due. It is a deficiency item this year; and if not this year, next year.

Mr. BLANTON. The gentleman thinks this is a deficiency item?

Mr. MANN of Illinois. I do not think there is any doubt about it being a deficiency item. I am not interested in it in any way. I just noticed it.

Mr. BLANTON. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC BUILDINGS.

Morgan City, La., post office: For completion (site), \$1,800.

Mr. CLARK of Florida. Mr. Chairman, I wanted to ask the chairman of the committee about that item. What is it for and what are the facts connected with it?

Mr. GOOD. This is authorized under the act of March 4, 1913. The authorization for the site was \$6,000. Congress has already appropriated \$4,200, but the Supervising Architect advises the committee that it will require the full amount of the authorization to pay for the site which has been selected—\$6,000—and hence there is a deficiency of \$1,800, and the department is anxious to complete the transaction, but can not complete it with this deficiency existing in the appropriation.

Mr. CLARK of Florida. This does not exceed the authorization?

Mr. GOOD. No, sir. The amount carried in the bill, together with the previous appropriation, is the exact sum authorized.

Mr. CLARK of Florida. Mr. Chairman, I simply wanted the matter explained, because it has been determined that we would not have any public-building bill at all.

While I am on my feet, Mr. Chairman, if the gentleman will permit me, I would like to ask him in regard to the item immediately following that. It might save time to give us an explanation of that, too. I refer to the Philadelphia item.

Mr. GOOD. The Treasury Department has a general appropriation for this year of \$800,000 for the repair of buildings. The value of the buildings on which these repairs are made runs into hundreds of millions of dollars. It embraces practically all the public buildings under the Treasury Department—about 1,200 in number. That appropriation is allotted, and the usual expense of repair can not be made out of it. It never has been a very large appropriation, but it takes care of the normal expenditure. The roof to the Mint Building in Philadelphia has been on there for some twenty-odd years. It was laid in cement in such a way that the slate has commenced to slide, and they are constantly stopping up the roof with tar and cement, using buckets to catch the water that is coming through the roof of the building. They estimated for \$25,000, but the committee discovered that in that building they also proposed to expend \$5,000 for pointing up the masonry. We gave them what we thought was necessary to put that roof in proper condition, because there is a decay going on, and a consequent loss in having the moisture coming through the walls.

Mr. CLARK of Florida. Then this does not cover in any way an extension? It is purely for repair?

Mr. GOOD. Purely a repair item, that would not be taken care of out of the annual appropriation.

Mr. GARNER. As I understand, this is somewhat of a precedent in deficiency bills.

Mr. GOOD. No. It has been done every year, practically.

Mr. GARNER. In other words, then, the lump-sum appropriations for taking care of public buildings allocated to the Treasury is estimated for the public buildings in that year, and in the meantime if the situation arises where an appropriation should be made for the repair of a particular building, and your committee concludes it is in the interest of conservation of that building, you will consider the question of putting it in a deficiency bill? I wanted to get that right, so that each Member of Congress would know that he would have the right to approach your committee on the subject.

Mr. GOOD. The last deficiency bill, as I recollect it, carried an item of \$100,000 to repair a part of one of the wings of the penitentiary at Fort Leavenworth that had been destroyed by fire after the regular appropriation bill had passed.

The Clerk read as follows:

Philadelphia, Pa., Mint Building: For new roof, \$20,000.

Mr. BLANTON. Mr. Chairman, in order to get a ruling by the Chair, I make the point of order. It is not a deficiency and is not provided for by law.

The CHAIRMAN. As explained by the chairman of the committee, the Chair is ready to rule that it is a deficiency and in order in this bill. Therefore the Chair overrules the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRAIG, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10701. An act granting the consent of Congress to the Whiteville Lumber Co., Goldsboro, N. C., to construct a bridge across the Waccamaw River at or near Old Dock, county of Columbus, N. C.;

H. R. 8953. An act to authorize the incorporated town of Ketchikan, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes; and

H. R. 5348. An act for the relief of Mrs. Thomas McGovern.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 9065. An act to amend sections 3, 8, 10, 12, 20, and 21 of the act approved July 17, 1916, known as the Federal farm loan act.

SECOND DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Relief of contractors: Toward the amount necessary for the payment of claims of contractors, etc., arising under the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, \$500,000: *Provided*, That the Secretary of the Treasury is authorized to make partial payments of any claim payable under said act, and to make payment of any and all loss and expense (exclusive of profits) incurred by a contractor or subcontractor in fulfilling his contract or subcontract with the Treasury Department in excess of the amount which such contractor or subcontractor may receive under the terms of his contract or subcontract if such loss and expense were, in the opinion of the Secretary of the Treasury, due to war conditions.

Mr. BLANTON. Mr. Chairman, I reserve a point of order on that.

Some time ago, under similar law, although involving a great deal more money, this House was subjected to a three days' debate on a political resolution that did not get anywhere after it was debated for that length of time. It called for no action of the House whatever; and I wanted to ask the chairman whether or not, after this lump-sum appropriation is spent, are we going to have another three days' debate hereafter on the subject of proper expenditure under this act as was done under the other one?

Mr. GOOD. I am not a prophet. I can not tell the gentleman.

Mr. BLANTON. Is this a deficiency item?

Mr. GOOD. Yes; it is a deficiency item.

Mr. BLANTON. Is it authorized by law?

Mr. GOOD. The payment of these subcontractors is authorized by the act approved—

Mr. BLANTON. I mean this amount. With respect to this amount that we are attempting to appropriate.

Mr. GOOD. There is no limit put on the amount. The Secretary of the Treasury was authorized to settle with these contractors and pay the loss they sustained because of their work on Government contracts made after April 6, 1917, where

their loss was due to war conditions. Of course, if it was due to bad management, they could not recover.

Mr. BLANTON. Well, I will make the point of order, Mr. Chairman, that it is not a deficiency and is not authorized by law.

Mr. GOOD. Will the gentleman confine his point of order to the proviso? The other part is clearly not subject to a point of order. The proviso is subject to a point of order.

Mr. BLANTON. Well, the whole paragraph is subject to a point of order if a part of it is subject to a point of order.

Mr. GOOD. I concede that it is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order on the entire paragraph.

Mr. GOOD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 11, after line 12, insert: "Relief of contractors: Toward the amount necessary for the payment of claims of contractors, etc., arising under the act entitled 'An act for the relief of contractors and subcontractors for the post offices and other buildings at work under the supervision of the Treasury Department, and for other purposes,' approved August 25, 1919, \$500,000."

Mr. GOOD. Mr. Chairman, I have overlooked a matter. The gentleman from Illinois [Mr. CANNON], a member of the Committee on Appropriations, is very much interested in this item, and I have an agreement with him to the effect that when the item should be reached, if any objection were made to it, I would ask that it be passed over until his return. I therefore ask unanimous consent that the matter be passed over without prejudice, with the point of order pending, until the return of the gentleman from Illinois.

Mr. BANKHEAD. No point of order was made against the amendment.

Mr. GOOD. I know; but the gentleman from Illinois was very much interested in the proviso, and so, to keep faith with him, I would like to have the matter go over until to-morrow.

Mr. BYRNS of Tennessee. Does that include the proviso?

Mr. GOOD. Yes; I have asked that it may all go over until to-morrow, with the point of order pending.

Mr. BLANTON. With the point of order reserved?

Mr. GOOD. Yes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the proceedings be vacated so as to leave the paragraph in with the proviso and a point of order pending until to-morrow. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC HEALTH SERVICE.

For medical, surgical, and hospital services and supplies for war-risk insurance patients and other beneficiaries of the Public Health Service, including necessary personnel, regular and reserve commissioned officers of the Public Health Service, clerical help in the District of Columbia and elsewhere, maintenance, equipment, leases, fuel, lights, water, printing, freight, transportation and travel, maintenance and operation of passenger motor vehicles, and reasonable burial expenses (not exceeding \$100 for any patient dying in hospital), \$4,000,000: *Provided*, That hereafter officers of the Public Health Service may purchase subsistence supplies and articles of serviceable property for the use of themselves and their families from the Army, Navy, and Marine Corps at the same price as is charged officers of the Army, Navy, and Marine Corps: *Provided further*, That the Secretary of the Treasury is authorized to make regulations governing the disposal of articles produced by patients in the course of their curative treatment, either by allowing the patient to retain same or by selling the articles and depositing the money received to the credit of the appropriation from which the materials for making the articles were purchased.

Mr. BLANTON. Mr. Chairman, I reserve a point of order. Will the chairman of the committee agree to accept an amendment striking out "passenger motor vehicles," contained in this paragraph, in line 11?

Mr. GOOD. I am sure that if the gentleman will stop to think a moment he will not want to do that. A great many of these passenger-carrying vehicles are performing a very necessary use, such as ambulance services. Others are passenger-carrying vehicles that are used by the doctors and officers in the service. The other day I was in Chicago, and the doctor in the service there took me out to a hospital. He has two or three hospitals under his charge, and they are miles apart. He uses a machine to go from one to the other.

Mr. BLANTON. These two new buildings, or, rather, additions that have been added to this Public Health Service building, right across from the House Office Building—are they part of this Public Health Service?

Mr. GOOD. Yes; they are.

Mr. BLANTON. Did the gentleman happen to notice those two buildings in the course of construction and the great amount of money that was absolutely wasted in such building? If this

department wastes as much money on passenger vehicles as it did on these annexes, we ought to call a halt.

Mr. GOOD. No; I did not. But as to passenger-carrying vehicles that are used in this service, and they have a good many, let me say we have authorized the Secretary of War to turn over to the hospital service a great many of these passenger-carrying vehicles, and they are authorized by law. They are authorized to use them, and they are using them at hospitals. I think, to some extent, they are very necessary.

Mr. BLANTON. How much of this \$1,000,000 is to relieve the influenza situation?

Mr. GOOD. None. In a general way we have an appropriation, an epidemic fund of \$400,000 that is available for any epidemic, including the influenza epidemic.

Mr. BLANTON. But does not the gentleman think that there are certain interests now that are trying to take advantage of the present influenza epidemic?

Mr. GOOD. Of course, persons who are the beneficiaries of the Public Health Service can be treated in the hospitals, even though they have influenza.

Mr. BLANTON. For instance, we have a bill before the House, introduced by a Member of Congress, who during this day has said that he is against the Constitution—at least, as to one provision—to suspend the Volstead Act for three months on account of the influenza epidemic, and so with various other matters that have no more pertinency.

Mr. GOOD. So far as the use of automobiles is concerned, I am willing to cooperate with the gentleman from Texas to prevent the misuse of automobiles in the service; but I think that to strike this out might very seriously cripple the hospital service, where they have about 7,000 of our discharged soldiers, and the doctors are compelled to use automobiles in taking the soldiers from one place to another and in visiting the hospitals themselves.

Mr. BLANTON. Mr. Chairman, I will withdraw the reservation.

Mr. MANN of Illinois. I renew the reservation of the point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] renews the reservation of the point of order on the paragraph.

Mr. MANN of Illinois. Mr. Chairman, I was wondering in regard to the proviso. Supposing that hereafter the Public Health Service officials shall be able to purchase Army and Navy supplies on the same basis with the Army and Navy officers, I wonder whether, if we do this for the Public Health Service, we can refuse to do it for any other service in the Government. For instance, if we make the break and provide for other services outside of the military service—and it is a great abuse in the military service—is there any limit on what we will be asked to do in the way of furnishing all sorts of supplies at wholesale prices?

Mr. GOOD. I have here an amendment that I was requested to introduce, and I propose to offer it, and it would practically add another service—that is, the Coast Guard. The Coast Guard have had this privilege during the war, and it has recently been taken from them.

Mr. MANN of Illinois. The Coast Guard had this privilege while they were in the war.

Mr. GOOD. Yes; while they were under the Secretary of the Navy. Now, it does mean a great deal to these men. They put in a list of articles which they are able to buy from the Army and Navy stores with the price to show the saving. Take, for instance, Gillette blades. We go down to the store and buy them—

Mr. MANN of Illinois. I wish the gentleman would use some illustration with which I am familiar. [Laughter.]

Mr. GOOD. I happened to notice that. The cut-rate stores sell Gillette blades for 85 cents a dozen. The regular price is \$1 a dozen, but at the Army and Navy stores the price is 30 cents a dozen. Now, I have not compared the prices of all these articles, but here are men in the Public Health Service who were formerly officers in the Army. They were entitled to this privilege while they were officers in the Military Establishment. They became accustomed to it, and it was a great saving to them. Now they are asking for an increase in pay. It seemed to us if we could give them some provision of this kind that would to some extent reduce their cost of living—and they say it will make a very material difference—it might obviate the necessity of a general increase all along the line in the pay of these officers and employees.

Mr. MANN of Illinois. Every officer in the Army wants every privilege of pay or otherwise which anyone in the Navy has. Everyone in the Navy wants the same thing that anyone in the Army has. Every officer in the Coast Guard Service wants the same privilege that officers in the Army and Navy have.

Every officer in the Public Health Service wants the same privilege that any of the others have, and if we pass a law relating to any officers of any one of these services and do not pass it as to the others we get requests immediately from the heads of the other departments suggesting that their departments are being discriminated against.

Now, nominally we furnish articles to Army and Navy officers at 10 per cent above their cost. In fact, we furnish them at less than their cost, because they never charge up all the items which go to fix the cost. During the war they maintained one of the most expensive establishments in one of the most expensive localities in this city for the purpose of furnishing a chance to Army and Navy officers to buy things at less than cost. Well, I sympathize with the Army and the Navy. I also sympathize with the clerks in Washington and with the laborers in Washington. The Government does not undertake anywhere, and it ought not to undertake, to do collective bargaining for all of its employees. Under the system of pay that we have in the Army and the Navy not a soul on earth knows how much an Army or Navy officer gets. They do not know themselves, directly or indirectly, and I question the desirability of extending this privilege. I do not think it will have anything to do with the pay they will ask for.

Mr. SAUNDERS of Virginia. Is there any amendment or reservation of order pending?

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has reserved a point of order.

Mr. GOODYKOONTZ. Mr. Chairman, I desire to ask the chairman of the committee a question. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. GOODYKOONTZ. I would like to know whether any part of this \$4,000,000 is intended to be used to pay doctors scattered all over the country, supposed to be looking after soldiers. What I have particularly in mind is the fact that in West Virginia there are said to be about 40 doctors on the pay roll of the public health department, and in the capital of that State there are six doctors on the pay roll. Two of them are being paid \$200 a month and the other four \$100 a month. They are supposed to be looking after the wounded soldiers, and yet it is said there are only five wounded soldiers in that city. I desire to know whether any part of this \$4,000,000 is to be used for paying the salaries of these doctors?

Mr. GOOD. The \$4,000,000 is a lump sum and can be expended in any way the service determines the expenditure is necessary in the treatment of the beneficiaries of the Public Health Service. The case which the gentleman refers to was inquired into at the hearings. Dr. Stimson has put in the record, which will be found on page 837 of the hearings, and extending over several pages, a statement in regard to it. I will not read it, but he gives the work that these doctors are doing. As the gentleman from West Virginia has stated, there are four of these doctors in Charleston, W. Va., who are employed in this way. There is no provision that will prevent the employment of physicians in other places. I do not know how it can well be prevented unless the law with regard to the Public Health Service is entirely rewritten defining—and I think it ought to be more clearly defined—what the duties of the Public Health Service are. I think the Public Health Service is extending its power and influence far beyond what was the intention of Congress when the act creating the service was passed.

Mr. LAYTON. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. LAYTON. Does not the gentleman think right now that we should have some limitation on the expenditures of the \$4,000,000?

Mr. GOOD. I will ask the gentleman from Delaware to write the limitation.

Mr. LAYTON. I am not on the committee.

Mr. GOOD. But the gentleman is a Member of Congress, and an able and very valuable Member. It is an easier thing to suggest a limitation than it is to write one without crippling the service. Here are 7,000 men, discharged soldiers, who are entitled to treatment under the law. Are you going to say that they shall not have more than one physician in a State or more than one physician in a county? There are counties where they do not need any, and possibly there are counties in large centers of population, like Cook County, Ill., or the city of New York, where they need a great many. How are you going to make the limitation? It is easier to suggest a limitation than it is to write it. I have been trying for some time to think of some way of limiting the activities of the Public Health Service so as not to permit them to do things not authorized by law. The only thing that I can think of—and I propose to suggest it to

the Comptroller of the Treasury—is that the accounts be thoroughly itemized, so that no expense can be incurred that is not authorized by law until we have the law rewritten. I will say to my friend from Delaware that I do not see how the committee can limit it without perhaps doing great injury to the service.

Mr. LAYTON: The situation to-day, then, is, according to the gentleman from West Virginia, who states an extreme case, that in that place and other places in this country we may have doctors on the roll at \$200 a month while there is not a single patient there. There is not a Member of this House that does not want to make ample provision for wounded soldiers.

Mr. GOOD. I will say that Dr. Stimson makes quite a case for Dr. Davis.

Mr. BYRNES of South Carolina. Will the gentleman from Iowa yield to me to make a statement?

Mr. GOOD. Yes.

Mr. BYRNES of South Carolina. For the purpose of setting the House straight in regard to the statement made by the gentleman from West Virginia, I want to say that these physicians are not all located there for the purpose of looking after patients in the local hospital. Dr. Davis is a district supervisor, with a district of three or four States, and his duties are to examine all applicants under the war-risk act. The statement was made to the committee that he has examined several hundred or more men who are entitled to the benefits of the war-risk act. Some men are not entitled to the benefits and some are. Dr. Davis is the district supervisor. He has associated with him another doctor.

Mr. LAYTON. If the gentleman's statement is correct, I withdraw what I have said.

Mr. GOODYKOONTZ. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. GOODYKOONTZ. This is not the case described by the gentleman; it is the case of six doctors in Charleston, two drawing a salary of \$200 a month each and four drawing a salary of \$100 a month each, with only five wounded soldiers in that community. That is the fact about it.

Mr. GOOD. I will say that Dr. Stimson gave us this information with regard to the work of Dr. Davis.

Mr. GOODYKOONTZ. I will say that I wrote the department asking how many doctors the department had in West Virginia, and they sent me a list of 10, and I subsequently found they had 40 on the list. That applies to only one State—West Virginia.

Mr. GOOD. I am not willing to defend any unjustifiable act of the Public Health Service. In the past I have indulged in some criticism of this service, and I think it is subject still to considerable criticism. I will say, however, that Dr. Stimson made a very good case in regard to this specific physician. He said, with reference to Dr. Davis, that the total number of cases examined in Dr. Davis's office as past assistant surgeon were 203; that the total number of cases treated in the office were 22; total number of treatments given to claimants, 63; number of cases sent to the hospital for further examination and treatment, 49; number of claimants reporting for examination, 203; number of claimants authorized to report who have not as yet reported, 77.

That was the work of September 1 to December 26 last.

Mr. GOODYKOONTZ. But he is talking about the Dr. Davis located in Washington. There are two doctors by the name of Davis.

We are warned from every direction to cut down these terrible appropriations. There are lots of good, patriotic doctors in West Virginia who would take delight in serving a few wounded soldiers without charge.

Mr. GOOD. Then there was Dr. Dillon. Is Dr. Dillon located there?

Mr. GOODYKOONTZ. I am not sure that he is on the list.

Mr. GOOD. The location of Dr. Davis is given as Charleston. Dr. Dillon's location is given as Charleston. Dr. George A. McQueen's is given as Charleston, and Dr. Hugh Nicholson's is given as Charleston; those are the ones given by Dr. Stimson as coming from Charleston.

Mr. BYRNES of South Carolina. On page 839 the name of every physician in the State with his address is given.

Mr. GOOD. That is what I was reading from.

Mr. BYRNES of South Carolina. This is an authorized statement from the Public Health Service. If the gentleman from West Virginia [Mr. GOODYKOONTZ] has the names of other physicians who are on the roll, and whose names do not appear on the list, I wish he would give them to us, as it would put us in a position to take the matter up with the Public Health Service in an intelligent way. In response to a question to

put in the Record the names of the physicians in the State of West Virginia and their addresses, he has given them, and also the work done by these men in each month, in detail. We have an itemized statement here, and if the statement is untrue, and the gentleman can show it, I know the House would be glad, certainly the members of the committee would be glad, to know it.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. BANKHEAD. Reverting to the argument and statement made by the gentleman from Illinois [Mr. MANN] in respect to giving authority to the officers of the Public Health Service to purchase subsistence supplies and articles from the Army, Navy, and Marine Corps at the same price charged officers of the Army, Navy, and Marine Corps, did a system of that kind heretofore exist whereby the members of the Public Health Service were entitled to that benefit?

Mr. GOOD. No. The gentleman will recall that the act of March 3, 1919, very much enlarged the activities of the Public Health Service. By that act all of the discharged soldiers were turned over for treatment to the Public Health Service, except those that are in vocational training, who receive treatment there. Those who are sick or wounded and require medical aid are cared for by the Public Health Service. Before that the service was very small. I have forgotten the number of employees they now have, but my recollection is that something over 6,000 persons are employed.

Mr. BANKHEAD. Is not that rather an argument against the inauguration of this benefit to them?

Mr. GOOD. I think not. A good many of these doctors were officers in the Army.

Mr. BANKHEAD. If the gentleman will permit me, the gentleman by his course now is certainly inviting a further increase of this. He has announced that he has another amendment to give this benefit to the members of the Coast Guard Service. I do not see how in equity and good conscience we can bestow this benefit on these two classes and then oppose bestowing it on every Government employee in the United States. I do not see how the gentleman can argue against extending it still further to other classes, if he is going to arbitrarily bestow it on the officers of the Public Health Service.

Mr. GOOD. I was impressed with the argument that here are a great number of officers who were in the Army for more than a year, some of them for more than two years, who had had the benefits under the law and were permitted to go to the Army stores and purchase articles practically at cost. The Coast Guard Service during the war was under the Navy, and the officers and men in that service were entitled to go to the Navy stores and buy all their necessities. All at once they are turned back, without changing their salaries, and they are deprived of the benefits that they enjoyed before. My position has been that if the officers of the Army and Navy are entitled to this benefit, then there can be no reason why the officers and men in the Public Health Service and the Coast Guard Service are not entitled to it.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. MADDEN. I do not know how many hundred thousand officers there were in the Army during the war, but there were about 4,600,000 men in the Army and Navy. Nearly all of these men have been turned back to civil life. They have been turned back adrift. A good many of them have employment and a good many have not. None of those men will be entitled to the privileges afforded under the provisions of the bill or the amendment that is proposed. There is quite as much reason why that privilege, which they had while in the Army, should be extended now that they are in civil life as there is that it should be extended to these men who were on the pay roll and who have left the Army. The other men are not on the pay roll at all and may not be on anybody's pay roll. Simply because they are now out of the Army, adrift, and are not cared for in the Government service, being paid out of the Treasury, they must not be considered, while it is argued that men who are on the pay roll but who are also out of the Army are entitled to this privilege. I think it can not be justified unless you extend it to every man who has ever at any time under any circumstances worn the uniform.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. MILLER. Are wounded soldiers under the treatment of the Public Health Service accorded this privilege?

Mr. GOOD. No; because they are not the beneficiaries of the Public Health Service until after they are discharged, and a discharged soldier is not entitled to this privilege.

Mr. MILLER. Then a wounded soldier under the treatment of this same Public Health Service is not afforded this privilege, nor are the men in the Public Health Service afforded the privilege, as the men in the Army and Navy are, and this provision limits it exclusively to officers and their families. Does the gentleman think that is right? Why not give it to the men?

Mr. GOOD. Most of the employees are officers. They are commissioned, I think.

Mr. MILLER. But there are nurses by the hundreds and by the thousand, both men and women. Under what rule does the gentleman distinguish the men in the Public Health Service who are not entitled to this privilege from the men in the Army and the Navy who are?

Mr. GOOD. The gentleman now is arguing for still further increase?

Mr. MILLER. I am not arguing either way. I am asking the chairman on what rule he bases this.

Mr. GOOD. I do not know whether the system is good or bad.

Mr. MILLER. I think the whole system is bad.

Mr. GOOD. If it is bad, the whole thing ought to be repealed; and perhaps if we put enough on it it will force its repeal. If it is good for one service that enjoys its privilege, why not extend the privilege to similar classes?

Mr. SAUNDERS of Virginia. Mr. Chairman, I demand the regular order.

Mr. MANN of Illinois. Mr. Chairman, I make the point of order against the first proviso in the paragraph.

The CHAIRMAN. This is clearly subject to the point of order, the word "hereafter" making it permanent law. The Chair sustains the point of order.

Mr. MANN of Illinois. Mr. Chairman, I move to amend, in line 18, by striking out the word "further."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 18, after the word "Provided," strike out the word "further."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

To enable the Secretary of the Treasury to continue in effect the provisions of section 2 of the act entitled "An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers, sailors, and marines," approved March 3, 1919, \$500,000, to be expended at the following hospitals and in not to exceed the following amounts, respectively: Alexandria, La., \$25,000; Deming, N. Mex., \$20,000; Houston, Tex., \$10,000; Perryville, Md., \$75,000; Greenville, S. C., \$75,000; Cape May, N. J., \$10,000; Hoboken Pa., \$10,000; Dansville, N. Y., \$10,000; St. Louis, Mo., \$5,000; New Haven, Conn., \$25,000; West Roxbury, Mass., \$50,000; Helena, Mont., \$100,000; Boise, Idaho, \$75,000; East Norfolk, Mass., \$10,000.

Mr. JOHNSON of South Dakota. Mr. Chairman—

Mr. BEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 24, after the figures "\$10,000," insert: "Provided further, That the sum of \$20,000 of the appropriation of \$150,000 contained in section 6 of the above-named act is made available for such repair work and remodeling as may be necessary to adapt the hospital at Corpus Christi, Tex., to the needs of the Public Health Service."

Mr. BEE. Mr. Chairman and gentlemen of the committee, I shall offer a brief word of explanation of this amendment. In the act of March 3, 1919, \$150,000 was appropriated for the purchase of a public-health hospital at Corpus Christi, Tex. While the matter of its purchase was pending and the question of title was being examined, and before title passed, a storm occurred at Corpus Christi, on the 14th of September, 1919, and damaged this property to a considerable extent. Subsequently the title was approved and the money was paid over, the Treasury Department deducting \$20,000 from the purchase price paid to the owners for the purpose of making certain necessary repairs to put the hospital back in its original condition, upon the theory that the Government was not responsible for an act of God which caused the damage. By a mistake, the request of the Treasury Department for the use and authorization of the \$20,000 went to the Committee on Public Buildings and Grounds and did not reach this committee in time. The purpose of this amendment is to authorize the use of \$20,000 already appropriated to make the hospital serviceable for the purpose for which it was intended, and I will say to the committee that I have discussed the matter with the chairman of the committee [Mr. Good] and the gentleman who had charge on this side, and that the amendment is acceptable to them.

Mr. GOOD. The matter was pending, as I understand it, before the Committee on Public Buildings and Grounds—

Mr. BEE. By mistake.

Mr. GOOD. And I agree with the gentleman that the money ought to be made available to repair this hospital, otherwise the hospital purchased at Government expense can not be used.

Mr. BEE. And I will say it is standing there idle and without any use whatever, and with this expenditure it becomes available and will be used as soon as repaired from the injury due to the storm.

Mr. GRIFFIN. Mr. Chairman, I reserve the point of order against the amendment.

Mr. GOOD. The point of order comes too late.

The CHAIRMAN. The reservation of the point of order comes too late. The amendment has been debated.

Mr. GRIFFIN. Well, I make the point of order.

The CHAIRMAN. It is too late to make the point of order. Does the gentleman wish to discuss the amendment?

Mr. GRIFFIN. Mr. Chairman, I rise to oppose the amendment. The gentleman from Texas said that this proposed appropriation was pending before the Committee on Public Buildings and Grounds—

Mr. BEE. By an error. I will say, if the gentleman will permit, the Secretary of the Treasury wrote a letter to the Speaker of the House explaining the situation in reference to this hospital, and by some error that communication instead of going to the committee of the gentleman from Iowa went to the Committee on Public Buildings and Grounds, where it had no business and which had nothing to do with it, and that is the reason it is not in the bill and it is now necessary to put it in as an amendment.

Mr. GRIFFIN. Well, I will say, Mr. Chairman, that the objection that I was about to make is that the appropriation is not or has not appeared before the Committee on Public Buildings and Grounds. I do not see the chairman of the committee here or any other member of the committee so far as I can observe, and I felt it my duty to the committee and the House to state that the proposal has not been submitted to the Committee on Public Buildings and Grounds. The communication may have gone to the chairman of the committee. I will not attempt to gainsay that, but it does seem to me, Mr. Chairman and gentlemen, that in view of the fact that we have appropriated \$150,000 for this hospital at Corpus Christi, we ought not now at a moment's notice to ask the House to agree to another expenditure of \$20,000—

Mr. BEE. Will the gentleman from New York yield?

Mr. GRIFFIN. I will be glad to do so.

Mr. BEE. The gentleman is absolutely in error in this matter. We are not asking to appropriate any additional sum; \$150,000 was appropriated for the purchase of this property, and before the title passed the storm came on and damaged the property, and the Treasury Department required the owners of the property, before they paid the money over to permit them to deduct \$20,000 from the purchase price in order that the Government might put the property back in condition. There is not a cent asked for more than the \$150,000. It does not ask another additional amount whatever; it simply authorizes the use of the money already appropriated.

Mr. GRIFFIN. We have already appropriated \$150,000. I will ask the gentleman if he does not think the Treasury of the United States is empowered under the terms of the original appropriation to make the outlay of \$150,000? That is, the gentleman from Texas says that \$130,000 has been paid for the property and that there is \$20,000 in the Treasury unexpended. Now, the Treasury Department already has the authority to expend \$150,000, and it does not seem to me it is necessary for any further extension of authority.

Mr. BEE. If the gentleman will permit, the Surgeon General writes to the Secretary of the Treasury and calls his attention to this fact, as follows:

Pursuant to the authority granted, an agreement for the sale and purchase of General Hospital No. 15, at Corpus Christi, Tex., was entered into, but pending consummation thereof the property was damaged by a storm. Thereafter the price was reduced to \$120,000, and the property is now being transferred to the Treasury Department. It is therefore essential that the difference of \$20,000 between the purchase price and the amount appropriated be made available for repairs to the hospital.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRIFFIN. Mr. Chairman, I ask for an extension of one minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BEE. I do not know, I will say to the gentleman from New York, any other way to reach this subject except the way it has been done, unless you are willing to let this hospital stand there idle.

Mr. GRIFFIN. I would like to ask the chairman of the committee his information concerning that. One hundred and fifty

thousand dollars is appropriated for this Corpus Christi Hospital. Before it has been taken over it is damaged by storm.

Mr. GOOD. One hundred and twenty thousand dollars has already been paid to the owner.

Mr. GRIFFIN. We already have appropriated and money is on hand to pay for the repairs. Do you consider any further appropriation necessary?

Mr. GOOD. The \$150,000 was only available for the purchase of the building. Instead of purchasing a building, if, after it had been injured by the storm, the department had said to the owners, "Repair the building and we will pay \$140,000," they would have been authorized to pay the \$140,000.

The CHAIRMAN. The time of the gentleman has again expired. The question is on the amendment of the gentleman from Texas [Mr. BEE].

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of South Dakota. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes in further debate on the Speedway Hospital in Chicago.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Dakota. Mr. Chairman, I would like to get the attention of the gentleman from South Carolina [Mr. BYRNES] if possible, because in the debate that we had with reference to the general hospital situation, and particularly with reference to the Speedway Hospital on last Tuesday, the debate appearing on page 2125 of the RECORD, the gentleman from South Carolina [Mr. BYRNES] stated, referring to me:

If the gentleman will put his hand on the contractor and he will sign a contract without the provisions such as I have stated, requiring the payment of money outside the limit of cost, the contract can be signed in an hour.

And the gentleman from North Carolina [Mr. KITCHIN] made practically the same statement, also on page 2125 of the RECORD, when he said:

The Secretary will sign if the contractor will sign the contract for the amount provided in the act.

Now, Mr. Chairman, I never saw the contractor before in my life. But I went over the record pretty carefully, and I put it up to him to sign this contract presented to the Secretary of the Treasury to sign, and he was willing to do that. The gentleman from North Carolina [Mr. KITCHIN] and the gentleman from South Carolina [Mr. BYRNES] invited me to get this contractor to sign, and they said they would get the Secretary of the Treasury to do so, and now I have the original contract here signed by the Shank Contracting Co., and I ask unanimous consent to insert it in the RECORD before I send it to the gentleman from South Carolina, who, I hope, will take it down to the Secretary and get him to either sign it or refuse to do so.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to insert the contract referred to in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

These articles of agreement entered into this 29th day of January, 1920, by and between the United States of America, by Carter Glass, Secretary of the Treasury (hereinafter called contracting officer), party of the first part, and the Shank Co. (a corporation organized and doing business under the laws of the State of Illinois), of Chicago, Cook County, Ill., represented by George H. Shank, its president (hereinafter called owner), party of the second part, witnesseth:

Conveyance of lands: The owner does hereby agree, in consideration of the payments hereinafter provided to be made by the United States of America, to convey or cause to be conveyed to the United States of America, upon the execution of this agreement by warranty deed, the title in fee simply, free and clear of all liens and incumbrances, in and to the following-described lands, tenements, and hereditaments located in the county of Cook, State of Illinois, bounded on the north by Twelfth Street, on the south by Twenty-second Street, on the east by First Avenue, and on the west by Ninth Avenue, described as follows:

The west $\frac{1}{2}$ of section 23 in township 39 north of range 12 east of the third principal meridian, except that part thereof conveyed to the Illinois Central Railroad Co. for a right of way by deed recorded in the recorder's office of Cook County, Ill., as document No. 874485, said tract of land consisting of 320 acres, more or less.

The owner shall furnish to the United States of America an owner's guaranty policy issued by the Chicago Title & Trust Co., of Chicago, Ill., in the sum of \$300,000, guaranteeing the unincumbered fee simply title to said real estate and a complete merchantable abstract of title to said premises.

Construction of buildings: 2. The owner does hereby further agree to furnish all the labor, materials, tools, machinery and equipment, and to do all things necessary for the construction and completion upon said site of a four-story fireproof hospital building, a fireproof administration building, a laundry building, a power house, a kitchen, a receiving ward, and communicating corridors in accordance with the plans, drawings, and specifications, which are to meet the general requirements of the Surgeon General of the United States Public Health Service and are to be completed in the manner next hereinafter set forth. The construction of said buildings shall be subject in every detail to the supervision, direction, and inspection of the contracting officer and shall commence upon the day of the date hereof; and in consideration of the premises the owner does hereby agree to complete and deliver over to

the contracting officer all of said buildings and structures in accordance with said plans, drawings, and specifications within 100 days after the date hereof (Sundays and holidays excluded). The contracting officer may from time to time accept and use any portion of the buildings or structures which may in his opinion be completed, but such acceptance and use of portions of said buildings and structures shall not be construed to be a final acceptance of the buildings and structures under this contract: *Provided*, That in the event the taking possession of any portion of the buildings or structures prior to final completion shall increase the cost of the construction to the owner the contracting officer will reimburse the owner for such additional cost.

For lack of time, said plans and specifications for the construction of the foregoing buildings and structures are not as full and detailed as they ought to be for working plans and specifications, but notwithstanding the fact, the contracting officer has directed the owner to begin immediately the work of construction, and in compliance with such direction, the owner agrees to begin the work of construction immediately under the terms of this contract without awaiting the final completion of said plans and specifications, and the contracting officer agrees to employ, at his own expense, an architect skilled in hospital construction, to complete said plans and specifications with all reasonable dispatch and to the satisfaction of the contracting officer. The completion of said plans and specifications by said architect shall not, except as herein otherwise provided, involve or include any material changes and alterations in or additions to the plan or design of said buildings and structures; or the kind, quality, character, or cost of the materials which enter into the construction of the same, as such plan, design, and materials appear upon said uncompleted plans and specifications which have been delivered to the contracting officer and are now in his possession.

All material entering into the construction of said buildings shall be first class and all work required shall be done in a good and workmanlike manner to the satisfaction of the contracting officer.

Right of owner to remove materials: 3. It is understood and agreed that in the construction of said buildings the owner shall have the right to use without cost or charge to the Government (except as a part of the contract price) all suitable structures and materials now a part of said premises, but which have been reserved to the grantor in the deed of conveyance conveying said real estate hereinbefore mentioned, except the sewer system, water mains and water systems, metal garages, small hospital building, roadways, and outside fence; but the owner shall have the right to use so much or such parts of said seven excepted items as it may find necessary in the construction of said buildings. In so far as may be possible without interference with or obstruction of the use of the hospital plant by the Government, the owner shall remove those portions of said structures and materials so reserved in said deed of conveyance as shall not be used in the construction of said buildings, and shall clear the said premises of all debris and waste materials.

Additional work: 4. The contracting officer may from time to time by written instructions or drawings issued to the owner make changes in the said plans, drawings, and specifications, or may require additional work hereunder, and the provisions of this contract shall apply to all such changes, modifications, and additions with the same effect as if they were embodied in the original plans, drawings, and specifications, and the owner shall comply with all such instructions and changes; but if such changes, modifications, and additions involve extra labor and material, then the actual cost of such additional labor or material occasioned by such changes, together with a sum equal to 7 per cent thereof, shall be added to the contract price and shall be paid by the Government to the owner (except as hereafter in this clause is otherwise provided). In such event the time for the completion of this contract shall be extended to cover any delay in the completion of said buildings occasioned by such changes, modifications, or additions to said plans, drawings, and specifications.

It is the intention of the parties to this contract that the owner shall construct and deliver said buildings and structures so that the same when so constructed and delivered shall constitute as a whole a practical working hospital; therefore it is agreed that if any changes and modifications in or additions to said plans, drawings, and specifications shall be fairly and reasonably necessary in order to make said hospital in all its parts a substantially practical working hospital, then the same shall be made upon the written order of the contracting officer, and no allowances shall accrue or be paid to the owner under any provision of this clause on account of additional labor or materials occasioned by such last-described changes in or additions to said plans, drawings, and specifications, other than the amount of the contract price hereinafter named; but all the usual furnishings, supplies, and equipment required in the hospital and other buildings shall be supplied and installed by the Government.

Title to buildings: 5. The title to all buildings completed or in the course of construction shall be in the United States.

Delays, etc.: 6. The owner shall not be held responsible for or be deemed to be in default hereunder by reason of delays in the performance of this contract caused by strikes, fires, explosions, riots, transportation delays, acts of God, or other causes beyond the control and without the fault of the owner, including delays caused to the owner by the direct act or failure to act of the contracting officer, and the owner's time for performance of this contract shall be hereby extended to cover the delay in performance so caused to the owner, provided that the owner shall have immediately and fully notified the contracting officer of any such cause of delay and shall have used its best efforts promptly to remove the same and to obviate the effects thereof, and provided further that such delay shall not have been due to the owner's failure to comply with any of the provisions of this contract. The owner shall proceed with the performance of this contract as soon as and to the extent that any such cause of delay shall have been removed. The contracting officer, however, except in the case of delays caused to the owner by the direct act or failure to act of the United States, shall have the right, by giving written notice to the owner, to terminate in whole or in part the performance of the work which has been so delayed, in which event the United States shall make payments to and protect the owner in such an amount as in the opinion of the contracting officer will equitably reimburse the owner. If the owner be dissatisfied with the allowance made under the provisions of this clause it may have recourse to the appeal provided for in clause 19 hereof. The contracting officer shall, if such right to terminate said work in whole or in part be exercised by the contracting officer prior to completion, have the right to use any or all of the machinery, tools, equipment, and materials belonging to the owner at the site to complete such work upon payment for such materials and of a reasonable rental for such machinery, tools, and equipment and of all damages to such machinery, tools, and equipment while so used by the contracting officer.

Liquidated damages: 7. Time shall be considered as of the essence of this contract, and in case of failure on the part of the owner to complete his work within the time specified herein it is agreed by the owner that the United States will be damaged by the delay, and the amount of such damages, exclusive of expenses for inspection and superintendence and necessary traveling expenses being difficult, if not impossible, of definite ascertainment and proof, are hereby agreed upon, liquidated, and fixed in advance in the sum of \$500 for each and every of the first 15 calendar days (Sundays and holidays excepted), which the said owner shall delay in the completion of this work beyond the time fixed in this contract, and in the sum of \$1,000 for each and every calendar day (Sundays and holidays excepted) which the said owner shall delay in the completion of this work on and after the expiration of said 15 calendar days, which the owner hereby agrees to pay to the United States as liquidated damages, and not by way of penalty. In addition to the liquidated damages herein agreed to be paid, it is hereby agreed by said owner that all expenses for inspection and superintendence, including all necessary traveling expenses connected therewith, during said period of delay shall be paid to the United States. It is further agreed by said owner that such liquidated damages, expenses for inspection, superintendence, and necessary traveling expenses may be deducted and retained from any payment due or to become due to the said owner: *Provided*, That no liquidated damages and no charges for inspection, superintendence, and traveling expenses shall be made where such period of delay shall equal the time lost through any cause for which the contracting officer is responsible either in the beginning or prosecution of the work, to be determined by the contracting officer; but where any delay caused by the said owner is in excess of the time lost through any cause for which the contracting officer is responsible, liquidated damages for such excess time shall be charged against the owner at said respective rates, together with all expenses for inspection, superintendence, and necessary traveling expenses incurred during such excess time.

Provided further, That no liquidated damages and no charges for inspection and superintendence shall be made for any delay excusable under the provisions of clause 6 hereof.

Provided further, That any extension allowed to the said owner by the contracting officer for the completion of this contract shall not affect the right of the United States to collect liquidated damages and expenses for inspection, superintendence, and necessary traveling expenses for any delay caused by the said owner prior to such extension.

Completion and operation of heating plant: 8. The owner shall complete the installation of the heating plant and radiation so that the same will be ready for use at least three weeks before the entire work under this agreement shall be finished; and the Government shall take over said heating plant and said radiation when so completed, and at its own expense furnish all necessary fuel and proper maintenance, and shall operate said heating plant and radiation so as to deliver sufficient heat throughout the whole system in order that the walls may be more thoroughly dried out to receive the decoration called for by the specifications.

Increased cost of labor and materials: 9. It is understood that the contract price hereof is based upon well-established union scales of wages for labor as of August 26, 1918, and upon the prices for materials which the owner agrees to advise the contracting officer of through the delivery to his representative upon the ground, within 15 days from the date hereof, of a complete schedule of all materials to be used in the construction of said buildings and structures and the price at which the same are contracted for, together with such other data as the contracting officer may require in connection therewith at the time, and the delivery of such schedules shall be of the essence of the agreement relating to said materials contained in this clause. Should the owner during the course of the construction of said buildings and structures be required by any increase in such union wage scales or in the market price of such materials to expend more money for the completion of said buildings and structures than that upon which its present contract price is based, then it shall first notify the contracting officer of such fact and, upon 24 hours' notice to the owner, the contracting officer may from time to time elect to furnish and furnish such materials to the owner in quantities provided for in the plans and specifications; in which event there shall be deducted by the contracting officer from the contract price hereof a sum equal to the total value of any such materials so furnished to the owner based upon the prices set forth in said schedule. In the event the contracting officer does not within 24 hours after the receipt of such notice of increased cost of materials elect to furnish and within a reasonable time furnish the same, then the owner shall proceed to purchase such necessary materials, and the amount of such increase so required to be paid by the owner shall be reimbursed to the owner by the Government in addition to the contract price herein named. All savings made by the owner through the purchase of materials so required in the construction of said buildings and structures at prices less than those appearing in the schedule shall be credited upon the contract price hereof, and the contracting officer shall deduct from any sums due the owner an amount equal to all such savings. After approval by the contracting officer of increases in wages to laborers the owner shall be reimbursed in the amount necessarily paid by it on account of increased wages. In case any controversy shall arise hereunder as to the amount of such increase in the cost of labor or of materials, then such amount, if any, shall be determined by the contracting officer. The owner shall not, however, make any departure from the standard rate of wages being paid in that locality without the prior consent of the contracting officer and shall not attempt to secure labor at the expense of other Government work.

Payments by Government: 10. In consideration of the foregoing the United States shall and will pay to the owner the sum of \$3,000,000, which amount the owner hereby agrees to accept in full payment of the entire purchase price of the above-described real estate and of the cost of construction and completion of the buildings hereinbefore mentioned except as herein otherwise provided, as follows:

(a) One million four hundred thousand dollars of said amount to be paid upon the signing of this agreement and the execution and delivery by the owner of the warranty deed and the delivery of the abstract and title insurance policy, specified in section 1 of this contract, conveying and insuring the fee simple title to said above-described real estate.

(b) The remainder of said sum of \$3,000,000, to wit, \$1,600,000, to be paid on the 1st and 15th days of each succeeding month to the owner in installments of approximately 90 per cent of the value of the work executed subsequent to the conclusion of this contract and actually put in place, to the satisfaction of the contracting officer from time to time as the work progresses, the said value to be ascertained by the contracting officer, and approximately 10 per cent thereof will be retained until the completion of the entire work and the approval and acceptance of the same by the party of the first part, which amount shall be forfeited by the said party of the second part in the event of the nonfulfillment of this contract, it being expressly covenanted and agreed that said for-

feiture shall not relieve the owner from liability to the Government for any and all damages sustained by reason of any breach of this contract: *Provided, however*, That no payment hereunder shall be due to the said owner until every part of the work to the point of advancement reached, on account of which payment is claimed, shall be found to be satisfactorily supplied and executed in every particular and any and all defects therein remedied to the entire satisfaction of the said party of the first part: *Provided further, however*, That the said work is to be constructed in accordance with plans and specifications transmitted to the owner July 15, August 16, and September 23, 1919, and in accordance with the drawings and specifications mentioned in the letter of January 7, 1920, from the owner to the contracting officer, and, that the owner will furnish three service elevators not shown in any specification, but which appear upon the plans.

Eight-hour law: 11. Wages of laborers, operatives, and mechanics doing any part of the work contemplated by this contract in the employ of the owner shall be computed upon the basic day rate of eight hours work, with overtime rates to be paid for at not less than time and one-half for all hours in excess of eight hours.

Convict labor: 12. That in the performance of this contract the owner shall not directly or indirectly employ any person undergoing sentence of imprisonment at hard labor which may have been imposed by a court of any State, Territory, or a municipality having criminal jurisdiction, nor permit of such employment by any person furnishing labor or materials to such owner in fulfillment of this contract.

Contract not assignable: 13. Neither this contract nor any interest therein shall be transferred by the owner to any other party, except to the extent permitted by section 3477, United States Revised Statutes.

Subcontracts assignable to Government: 14. The owner shall not enter into any contract or subcontract in contemplation of or in connection with this contract without the prior approval of the contracting officer. Every contract and subcontract made by the owner in contemplation of or in connection with the performances of this contract shall state that it relates to this contract and shall contain a provision that its unperformed portion may be assigned at any time by the owner to the United States or its nominee, at the request of the contracting officer. In the event the contracting officer shall request the assignment to the Government of any such contract or subcontract, and the owner shall fail or refuse to immediately assign the same, then and in that event this clause shall operate as an assignment of all of the unfulfilled interest of the owner in such contract or subcontract, but the Government shall not by such an assignment assume any obligation of the owner under such contract or subcontract other than that portion thereof fairly represented by such unfulfilled portion of the contract or subcontract.

Covenant against contingent fees: 15. The owner expressly warrants that it has employed no third person to solicit or obtain this contract in its behalf, or to cause or procure the same to be obtained upon compensation in any way contingent, in whole or in part, upon such procurement; and that it has not paid, or promised, or agreed to pay, to any third person, in consideration of such procurement, or in compensation for services in connection therewith, any brokerage, commission, or percentage upon the amount receivable by it hereunder; and that it has not, in estimating the contract price or compensation demanded by it, included any sum by reason of any such brokerage, commission, or percentage; and that all moneys payable to it hereunder are free from obligation to any other person for services rendered, or supposed to have been rendered, in the procurement of this contract. The owner further agrees that any breach of this warranty shall constitute adequate cause for the annulment of this contract by the United States, and that the United States may retain to its own use from any sums due or to become due hereunder an amount equal to any brokerage, commission, or percentage so paid or agreed to be paid.

Bond: 16. The owner shall prior to commencing the said work furnish a bond, with sureties satisfactory to the contracting officer, in the sum of \$1,250,000, conditioned upon the full and faithful performance of all the terms, conditions, and provisions of this contract, and upon the prompt payment of all bills for labor, materials, or other service furnished to the owner.

Members of Congress not to benefit: 17. No Member of or Delegate to Congress, or Resident Commissioner, is, or shall be, admitted to any share or part of this contract, or to any benefit that may arise herefrom, but, under the provisions of section 116 of the act of Congress approved March 4, 1909 (35 Stats. 1109), this stipulation shall not extend, or be construed to extend, to any contract made with an incorporated company for its general benefit.

Substitution of materials: 18. In the performance of this contract the Government agrees to render all assistance possible in the procurement of materials and delivery of the same at the site of the work that it reasonably can; and if the owner is unable to purchase or to procure immediate delivery of any of the materials specified in said plans and specifications and wishes to substitute for such material other material of substantially the same general kind and quality, prompt request shall be made upon the contracting officer representing the contracting officer upon the premises for permission to make such substitution; and in the event the contracting officer shall determine that such substitution can be made without detriment to the interest of the Government under this agreement, such substitution shall be allowed. The determination of such contracting officer shall be made within three days after such request.

Settlement of disputes: 19. This contract shall be interpreted as a whole and the intent of the whole instrument, rather than the interpretation of any special clause, shall govern. If any doubts or disputes shall arise as to the meaning or interpretation of anything in this contract, the written decision of the contracting officer shall govern. If, however, the owner shall feel aggrieved by the decision of that officer, it shall have the right to submit the same to the Secretary of War, whose decision shall be final and binding upon both parties hereto.

Contract binding on successors: 20. This contract shall bind and inure to the owner and its successors. It is understood and agreed that whenever the words "contracting officer" are used herein, the same shall be construed to include his successor in office, any other person to whom the duties of the contracting officer may be assigned by the Secretary of War, and any duly appointed representative of the contracting officer.

Witness the hands of the parties hereto the day and year first above written, all in triplicate.

UNITED STATES OF AMERICA,
By _____, Contracting Officer.
SHANK CO.,
GEORGE H. SHANK, President.

I hereby certify that I have satisfied myself of the authority of the person signing the contractor's name to this agreement to bind it in the matter, and I have waived the filing of evidence of such authority, as permitted so to do by the Army Regulations.

I do solemnly swear that the foregoing is an exact copy of a contract made by me personally with the contractor named as owner above; that I made the same fairly without any benefit or advantage to myself or allowing any such benefit or advantage corruptly to the said contractor or any other person; and that the papers accompanying include all those relating to the said contract as required by the statute in such case made and provided.

I certify that the award of the foregoing contract was made to the lowest responsible bidder for the best and most suitable articles or services on proposals received. That owing to the peculiar nature of said contract and the special authority of the Secretary of War therefor, no other or competing contractors were notified and considered in connection with said contract.

The work contracted for being an emergency requirement, no advertisement for bids was published in newspapers by order of the Secretary of War, General Orders, No. 49, dated April 28, 1917.

Mr. JOHNSON of South Dakota. Before I proceed further in the debate I want to correct one statement in the RECORD. On page 2125 the gentleman from South Carolina [Mr. BYRNES] said:

The Secretary of the Treasury has explained this thing to me as I have stated, and I know he tells the truth.

I am reported as having said:

I do not think he does.

I had no desire of saying the Secretary of the Treasury was not telling the truth. My remarks referred to his explanation. I ask unanimous consent that the permanent RECORD read:

I do not think he explains.

The CHAIRMAN. Is there objection to the correction asked by the gentleman from South Dakota?

Mr. MANN of Illinois. Mr. Chairman, I have no objection to the committee ordering that to be done, but the committee has no jurisdiction over the permanent RECORD.

Mr. JOHNSON of South Dakota. It will be in the RECORD in my remarks anyway, so the Secretary of the Treasury will know that I have not accused him of prevaricating.

Mr. MANN of Illinois. If the gentleman, as a matter of fact, will go to the reporters and give them whatever memorandum he wants, it will be put in the permanent RECORD at his suggestion.

Mr. JOHNSON of South Dakota. I know the gentleman is going to say there is some change in this contract in that it will cost more money than the \$3,000,000. I want to call his attention to the fact that the contract which the Secretary seems to want to sign, as explained to me the other day by the Secretary of the Treasury, has this provision in it:

It is further covenanted and agreed that no claim for compensation for any extra materials or work is to be made or allowed, unless the same be specifically agreed upon in writing or directed in writing by the party of the first part; and that no addition to, omission from, or changes in the work or material herein specifically provided for shall make void or affect the other provisions or covenants of this contract, but the difference in the cost thereby occasioned, as the case may be, shall be added to or deducted from the amount of the contract.

In other words, the Secretary of the Treasury, in submitting the contract that he wants to sign, has a provision in there that could very easily make this Speedway Hospital cost a great deal more than the provisions in the contract which I am going to hand to the gentleman from South Carolina.

Mr. BLANTON. That clause is in every Government building contract.

Mr. JOHNSON of South Dakota. Certainly. It is conceded that it is. But if the Secretary of the Treasury would be consistent, then he would eliminate it from this contract.

I desire to take no more time.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. JOHNSON of South Dakota. I will.

Mr. BYRNES of South Carolina. Who drew the contract? Did the gentleman draw the contract?

Mr. JOHNSON of South Dakota. I did not. It was drawn either by the Shank Co. or their attorneys. I have no intention of drawing contracts for the Secretary of the Treasury or any contractor.

Mr. BYRNES of South Carolina. Do you say it provides for any expense over \$3,000,000?

Mr. JOHNSON of South Dakota. Not the one I submit to you to-day, but the one that was submitted to the Shank Co. by the Secretary of the Treasury.

Mr. BYRNES of South Carolina. And the Shank Co. objected to a contract that allowed them to receive more than \$3,000,000.

Mr. JOHNSON of South Dakota. They want a contract that is fair to the Government, because, as I told the gentleman at that time, Mr. Hines is trying to give the Government a million dollars. Mr. Shank is not taking a dollar profit from the Government. They have put their shoulder to the wheel, and they are good sports, and they are willing to go through with it.

Mr. GOOD. I will say to the gentleman that I think all these contracts were drawn in the office of the Supervising Architect of the Treasury Department.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Dakota yield to the gentleman from Nebraska?

Mr. JOHNSON of South Dakota. I will yield to the gentleman from Nebraska.

Mr. ANDREWS of Nebraska. Before the Committee on Public Buildings and Grounds of the House the contract then presented, ready to be signed by the contractors, was based upon the specifications that were drawn by the Public Health Service itself, and the contractors stated they were ready to sign, but the Surgeon General of the Public Health Service refused to assent to that unless Congress would give \$2,500,000 more to put up other buildings, 26, I think, in all, one costing \$50,000 for animals for inspection purposes.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Dakota. Yes.

Mr. KITCHIN. As to the hearings had before the Committee on Public Buildings and Grounds, I doubt if the gentleman from Nebraska has seen them. Will he cite where that state of facts exists? I submit to the gentleman from Nebraska that he is mistaken in saying that at any Government hearing such a contract was presented; not after the act of December 24, 1919, or after the act of March 3, 1919; not one. But every contract which this contractor says he desires the Treasury to sign contained a proviso that if, after October, wages and materials went up, they would have the right to go into the Court of Claims in excess of \$3,000,000. The Secretary of the Treasury refused to sign that, saying that he had no authority for it at all; that it was in plain violation of the statute; and that he could not sign it; and not until right this minute, unless that contract does it, has a contract provided for that. That contract is outside of the statute.

Mr. BYRNES of South Carolina. I will say to the gentleman that if this contract has not a joker in it providing for the payment of 1 cent over the \$3,000,000 it will be signed.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. JOHNSON of South Dakota. Mr. Chairman, I would like to have a minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. KITCHIN. I have not seen that contract that the gentleman from South Dakota has; he has got it in his hand; but I think when I read it I shall find some place in it where it makes a liability on the part of the Government for more than \$3,000,000, in complying with the statute of October 23 or July 11.

Mr. JOHNSON of South Dakota. I do not know what the gentleman from North Carolina will find in it, but I am sure that the Secretary of the Treasury will find in it what will provide for the soldiers the facilities which the law requires.

This law, passed on March 3, 1919, was passed when the gentleman from South Carolina [Mr. BYRNES] was in the chair and the Democrats were in control of the House. This contract was passed upon by the special Committee on Public Buildings and Grounds of the Senate when the Democrats were in control. It was passed upon by a subcommittee of the Senate Committee on Public Buildings and Grounds, of which Senators REED, HARDWICK, BECKHAM, TRAMMELL, LENROOT, and FRANCE were members, and they put the amendment into that bill which said that the Secretary of the Treasury should sign this contract. It has been a matter that has been passed upon by some of the leading Democratic lawyers of the United States and some of the Republican lawyers. But the Secretary of the Treasury, I repeat, will not sign this contract because of some personal feeling that he has, or because of that of some person connected with him, toward Mr. Hines, the man who is trying to give this million-dollar hospital to the Government.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from South Carolina moves to strike out the last two words.

Mr. BYRNES of South Carolina. Mr. Chairman, the fact is that the gentleman from South Dakota [Mr. JOHNSON] never has exactly understood this proposition. When he says that the act of March 3, 1919, passed when the Democrats controlled this House, directed the Secretary of the Treasury in a mandatory way to sign this contract, he has been misinformed and has not read the act. The fact is that under that law the Secretary was not only not bound to sign this contract, but had

the right to spend this money in the construction of another hospital building without taking over the Shank contract at all; and it was thought by the Secretary of the Treasury at one time that the wise thing for him to do would be to build another hospital in the city of Chicago on a site owned by the Government of the United States. While that matter was being considered by the Secretary of the Treasury, and when it was thought that he might do that, a deficiency bill went over to the Senate toward the close of that session. Fearing that the Secretary would not sign the contract with Shank, the Senate inserted a provision requiring him to sign that contract, provided it could be made to suit the needs of the Public Health Service.

Upon the enactment of that law the Secretary submitted the matter to the Public Health Service in order to ascertain their needs. After it had been returned by them it was then submitted to the Supervising Architect for a report as to how much a building such as was required by the Public Health Service would cost. When the report came from the Supervising Architect, it was estimated by that official that it would cost, as I remember, \$2,500,000 more. It was then argued that the reason for the additional cost was because the Public Health Service intended to add additional buildings; and therefore, in the subsequent legislation of December 24, the date when the last act was signed, it was required that the contract should be completed within the amount appropriated, \$3,000,000; and gentlemen on this floor told me, in response to my questions, that it was their belief that it could be done for \$3,000,000 and would be done for \$3,000,000. More than one gentleman said that. The Secretary of the Treasury proceeded, in accordance with that law, to offer to sign a contract with the Shank Co. not exceeding \$3,000,000.

A conference was held at the Treasury. This matter was brought to my attention yesterday after the matter was brought up in the House by the gentleman from South Dakota on the day previous. The Secretary of the Treasury has submitted this memorandum of a conversation that took place between Mr. Bennet and Mr. Wetmore, representing the contractor, on January 15; and in response to the request of Mr. Wetmore as to whether he would sign a contract not to exceed the lump sum authorized by Congress, Mr. Bennet answered in the negative.

The representative of the contractor said that there should be a provision in the contract that he should receive over and above the \$3,000,000 a sum representing the increased cost of labor and material over and above what labor and material cost in October, 1919, the date of the last specification submitted to him. The Secretary of the Treasury took the position, and rightfully so, that under the last mandatory provision of Congress he could not sign an agreement that gave the contractor directly, or by inference, the right to recover from the Government over \$3,000,000.

Mr. JOHNSON of South Dakota. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. Yes.

Mr. JOHNSON of South Dakota. In the law which passed Congress this fall the contractor would have a right to recover in excess of the contract submitted by the Secretary of the Treasury.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BYRNES of South Carolina. Now, the gentleman says that he has expressed the view of the attorney representing the contractor; that under the last act he can recover more than \$3,000,000; and yet every man on the floor of the House, when the bill was up on December 18, gentlemen who had most praiseworthy reasons for acquiring the hospital, in response to my question, said that the reason they advocated it was that not a dollar over \$3,000,000 could be expended. Now, the gentleman says that the men who are behind the proposition were mistaken and that an additional amount can be spent, and I think that is the opinion of counsel representing the contractor in this matter. I frankly say that I do not believe that it would be the intent of the owner of the building, but his counsel does believe and does suggest that under the last act there is a way they can receive over \$3,000,000; but Congress never intended that they should receive over \$3,000,000. The gentleman from Illinois [Mr. MADDEN] stated to me on the floor that the amount should not exceed \$3,000,000, and the gentleman

from Illinois [Mr. MANN] said he favored it, because \$3,000,000 was the outside sum, and for this sum it could be completed. Every man who spoke and advocated it I interrogated, and they said that the intent was that they should be limited to \$3,000,000.

Now, the gentleman from South Dakota says that under that law the contractor can come in and get more than \$3,000,000, but he never can get it while Carter Glass is Secretary of the Treasury, and I hope that there will never be a Secretary of the Treasury who will allow the owner and contractor to receive more than \$3,000,000, which Congress intended should cover the full expenditure for this hospital. [Applause.]

Mr. JOHNSON of South Dakota. The gentleman asked me to give the name of the man who drew the contract which was given to the Secretary to sign, but I was not certain that I could find it. It was drawn by Lieut. Col. A. A. O'Brien, then and now in the War Department.

Mr. BYRNES of Tennessee. That was the war contract; but in this contract, the Shank contract, they would build the hospital and go to the Court of Claims for any excess above \$3,000,000. He is coming back to get Congress to give him more than \$3,000,000, and yet the gentleman from Nebraska and every man knows that before the Public Buildings Committee he said time and again they were willing to build the building for \$3,000,000. Now he says he wants to come back to the Court of Claims and get more, and just as sure as it is signed you will see him back here trying to get more.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes on this subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GOOD. Mr. Chairman, I have been going over this matter to some extent and I am satisfied that the position of the Secretary of the Treasury is absolutely indefensible. That he refused to sign the contract is evidenced by the letter to the Shank Co. of January 22, which I shall put in the Record. That letter settles that controversy. I followed the Secretary of the Treasury on this hospital matter until I saw that I was getting my fingers burned. Let us see what the history of the hospital legislation is, so far as the Cook County Speedway is concerned.

In February, 1919, the Treasury Department came before the House Committee on Public Buildings and Grounds and asked for legislation authorizing the purchase of this building as a hospital for \$3,000,000. Then it was claimed that the hospital was just right. I questioned the item when it was on the floor of the House. I questioned the necessity for any more hospitals, for I then thought that our hospital facilities were ample. Later when the matter came before the House in a deficiency bill, the Secretary of the Treasury said that there was no necessity for this hospital. Later on he said it was too large, and for that reason it should not be purchased. And Gen. Blue and other officers of the Public Health Service came before the Committee on Appropriations and said that we should not acquire the hospital, because it was too large and it would cost too much to operate it, and stated they should have the money to build another hospital in Chicago on land owned by the Government.

Less than 60 days ago the Secretary of the Treasury sent to the House through a letter to the Speaker a statement that the hospital is too small and that he wants \$4,000,000 in addition to the amount already appropriated to build an ideal hospital there large enough for the demands on the service. If it was just right in 1919, if it was too small a few weeks later, and we now find it is not half large enough, where and how are we to follow the Secretary of the Treasury in his quibbling—I was about to say small dealing—with a very important work?

A few days ago I was invited to go to Chicago to give an address before the Illinois Manufacturers Association. There has been so much said about the Public Health Service, so much said about this hospital, that I wanted to go out and see it, and so I had an officer in charge of the Public Health Service in Chicago take me out and also take me to one of the hospitals in Chicago that is under his care.

I am not a judge as to the value of those buildings, but they are buildings almost a half mile long, fireproof construction, and are located out there by that beautiful suburb of Chicago, Oak Park, Ill., only two or three blocks removed from the elevated railway system, a distance of about 10 miles from Congress Hotel. This magnificent building can be placed in condition to receive patients within 60 days, so it is claimed.

I want to say to the Secretary of the Treasury and the gentlemen on the other side of the House, as well as on this side of the House, that if this contract is signed for the acquisition of

the land and the buildings, without regard to the equipment for the hospital, there will be no deficiency appropriation, if I can prevent it, in addition to the \$3,000,000 carried in the act. When the Public Health Service came before Congress and asked for a million dollars in the bill, a lump sum to repair hospitals already taken over and which might be taken over in the future, it was the intention to expend a large sum in remodeling an old wooden hospital out at the Great Lakes Training Station. They said they expected to expend only \$20,000, but the officer in charge at Chicago told me that his estimate was that to make the wooden hospital available and to build additions, making it a hospital that would take care of the service in Chicago, it would require, he thought, about \$100,000. When we asked representatives of the service where they would expend the million dollars they were asking for for repairs for hospitals, they could give us the names of only about 20 hospitals, and the total amount estimated for was \$500,000. In this bill we have given them every dollar that they asked for, but we have not given them what they wanted to get under a camouflage. It will be impossible for them to use any part of this in remodeling an old wooden hospital at Chicago when the service has said time and again that these men should not be confined in these wooden hospitals, and by that means prevent the securing of adequate hospital accommodation in Chicago.

I went to the hospital under the Public Health Service there in the city of Chicago. I do not recall now how many men were in that hospital, but I visited the various rooms, I suppose as many as 50. There were in the hospital about 35 more patients than they had beds. I saw rooms there no more than 15 feet long and 12 feet wide, with only one window, that contained three men—three of the boys who helped to carry that flag to imperishable glory—lying there in that little room of that hospital, and some of them had to lie in beds outside, there to gain their health and strength. You can take the responsibility, the Secretary of the Treasury can take the responsibility, for that kind of treatment, if he wants to, but I am unwilling to permit the boys in that cold climate, where the mercury runs down to 20° below zero, to be subjected to all of the dangers of a fire in a wooden hospital—especially in view of the fact that the Treasury Department says it is unwise and unsafe to put the boys in a wooden hospital in the District of Columbia, or in Virginia, or in Texas, or in Kentucky, but that they must have fireproof hospitals there.

I submit, Mr. Chairman, that we are getting to a point where Congress will no longer tolerate the quibbling of this man down in the office of the Secretary of the Treasury. [Applause.] Let him sign the contract, and the Committee on Appropriations, of which the gentleman from South Carolina [Mr. BYRNES] is the honored ranking Democratic member on the deficiency subcommittee, will work together to see that there will not be a penny appropriated in excess of the \$3,000,000 for acquiring the land and building the hospital. [Applause.]

CHICAGO BROADVIEW HOSPITAL.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 22, 1920.

Contract.

SHANK Co.,
80 North La Salle Street, Chicago, Ill.

GENTLEMEN: The act of December 24, 1919, provides as follows: "That the Secretary of the Treasury be, and he is hereby, directed immediately to acquire the uncompleted hospital building at Broadview, Cook County, Ill., and the site thereof, consisting of 320 acres, more or less, and to cause the work on said hospital building to be completed and the five proposed auxiliary buildings to be constructed in accordance with plans and specifications transmitted to the Shank Co. July 15, August 16, and September 23, 1919, and the appropriation therefor contained in the act entitled 'An act to authorize the Secretary of the Treasury to provide hospital and sanatorium facilities for discharged sick and disabled soldiers,' approved March 3, 1919, together with such further changes in said buildings as may be found necessary or desirable."

Under the provisions of the above law it is not possible to accept your proposal exactly as made, but it is possible to accept it with certain modifications hereinafter given. Accordingly, acceptance is made of your proposal No. 1, contained in letter of October 16, 1919, and subject to such conditions as are hereinafter specified and exclusive of that condition contained in said proposal that it is subject to the terms of the form of contract therein mentioned; acceptance is likewise made of your proposal of January 7, 1920. Under these acceptances you are to convey to the United States 320 acres of land, more or less, constituting the site of the Broadview Hospital, Chicago, Ill., together with the improvements thereon, including the uncompleted hospital building, and to complete said building, making such modifications therein as are necessary in accordance with the specification dated September 14, 1918, for the United States Army General Hospital, Chicago, Ill., and the addendum thereto dated April 11, 1919, written in the Office of the Supervising Architect of the Treasury Department, as modified by the supplementary specification dated July 16, 1919, and the drawings mentioned therein, and as further modified by the addendum specification dated September 23, 1919, and the drawings mentioned therein, together with such additional drawings and specifications as may be furnished you by the Supervising Architect of the Treasury

Department; and to construct five auxiliary buildings, making such modification therein as said Supervising Architect deems necessary, in accordance with the specification (without date) for the construction of an administration building, commandant's quarters, receiving building, power house and laundry for the Public Health Service Hospital No. 2 at Chicago, Ill., and the drawings mentioned in said undated specification, as modified by the addendum specification dated September 23, 1919, together with such additional drawings and specifications as may be so furnished you.

Said real estate (including the uncompleted building) shall be conveyed to the United States free from all liens and encumbrances whatsoever.

The main building is to have three units remodeled so as to provide for the personnel, shops, etc., in accordance with the drawings and specifications mentioned and your letter of January 7, 1920, to the Secretary of the Treasury.

You are also to furnish three service elevators which you state orally were included in your proposal but which were expressly omitted by the specifications.

Said three service elevators in the main building shall be an approved make; the machines, controllers, cars, safety devices, etc., shall be in accordance with the specifications for the seven passenger elevators to be installed in the main building except that the service elevator cars shall be approximately of the size indicated on the plans, and each service elevator shall have a live-load capacity of 3,000 pounds at a speed of 100 feet per minute. Each of these service elevators shall be installed complete in every detail, including electrical connections, ready for service. Complete detail drawings of the elevator, machines, controllers, cars, safety devices, etc., and specifications for same, shall be submitted (in triplicate) to the Supervising Architect for approval before the elevators are installed. Any features in connection with said service elevators which are not covered by the specifications for the other seven passenger elevators shall be substantially the same in character, workmanship, and materials.

Also, you are to cause to be provided, without additional cost to the Government, in addition to the water mains and connections now in place or required by this contract, service, gas, and electric mains, including electric transformers, the service mains to be connected to the main service supplies and to the separate buildings.

Also, you are to provide any additional foundations or to make any change in foundations of the auxiliary buildings as may be found necessary on account of soil conditions, without additional cost to the Government.

The work is to be completed within three months of the date of this letter of acceptance.

In consideration of the above you will be paid, as stated in your proposal, the amount appropriated therefor by statute, which amount is ascertained as follows:

Section 7a of the act of March 3, 1919, makes the total limit of cost of the Broadview Hospital \$3,000,000; section 10 of the same act authorizes the employment of technical and clerical services for the preparation of drawings, supervision, traveling expenses, etc., at a total not exceeding \$210,000, such amount to be taken from the sums authorized and appropriated for construction purposes. The proportionate share chargeable against the amount authorized for construction purposes for the Broadview Hospital is \$73,770.87, so that the amount provided for by statute for the Broadview Hospital is \$2,926,229.13, which is the amount that will be paid to you under this contract, less such other amounts as hereinafter provided in this acceptance, viz:

In accordance with your oral proposal, a deduction of \$25,000 is made from the total contract price for the substitution of wood frames for metal frames now required for fly screens, which substitution does not affect the metal bar screens in unit D, which are to remain as now required by the drawings and specifications; or, in lieu of this deduction, it is agreed that you will furnish lighting fixtures of such design and character as may be required by the Supervising Architect.

It is a further condition of this acceptance that before beginning work you will submit for consideration a complete list of practicable changes suggested during your conference at this department, by which the cost of the work will be reduced by approximately \$75,000.

Payments are to be made as follows:

Three hundred thousand dollars upon the execution and delivery of the contract, bond, warranty deed, abstract of title, and policy of title insurance to the satisfaction of this department.

Approximately 90 per cent of the value of the building as it now stands, such percentage to be based on the proportionate value of the completed work as may be ascertained by the Supervising Architect.

All future payments of approximately 90 per cent of the value of the work executed and satisfactorily in place, as ascertained by the Supervising Architect, acting through the superintendent, will be made monthly, and payment of the balance retained will be made after the final acceptance by the duly authorized representatives of the Treasury Department of all materials and workmanship embraced in the contract, but payment will not be made until every part of the work to the point to which payment is claimed is satisfactorily supplied and executed in every particular and all defects therein remedied to the satisfaction of the Supervising Architect.

It is a condition of this acceptance that the department shall have the right, if it so elects, after a reasonable notice to you, and before you have entered into subcontracts therefor, to furnish any of the materials required in the construction of said buildings; and for any such materials so furnished you shall make a proportionate deduction therefor from the contract price.

It is intended to have the title to this real estate passed upon by the Attorney General of the United States in the usual way, and it is understood as part hereof that you will comply with the usual requirements of the Department of Justice with respect to the evidences of title if anything more is desired than you shall have already furnished this department.

It is understood and agreed that you will execute promptly a formal contract, with bond in the sum of \$700,000, guaranteeing the faithful performance of the work, a form for which will be sent you, and sign the stamped set of the said drawings with red label, forwarded under separate cover, the contract, bond, and drawings to be returned immediately for file in the office of the Supervising Architect.

Payment of the above-mentioned price for said land and improvements (including uncompleted building) and the performance of the work hereinbefore mentioned will be made from the appropriation for "Hospital construction, Public Health Service."

Please promptly acknowledge the receipt of this letter and signify your assent to its terms and conditions.

Respectfully,

CARTER GLASS, Secretary.

Mr. BYRNES of South Carolina. Mr. Chairman, I move to strike out the paragraph. The gentleman from Iowa [Mr. Goon] recalls some of the history with reference to this hospital, and says that last June the Secretary of the Treasury declared the hospital building proposed in Chicago was too large. Well, at that time the gentleman from Iowa [Mr. Goon] was of the opinion that not only was that hospital unnecessary but that most of the others were unnecessary. And he proposed, in connection with the deficiency appropriation bill of June, to suspend operations upon that and all other hospitals, and upon the floor of this House you heard him speak for an hour, telling this House that we had more beds than were needed, and that it was absolutely unnecessary to proceed with the construction of this building at that time. When he did that the gentleman had this justification: That the Public Health Service furnished the facts showing that we did have more beds than we actually needed at the time.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. GOOD. It was the Secretary of the Treasury himself who gave me that information.

Mr. BYRNES of South Carolina. No matter whether he submitted it, it came from the Public Health Service.

Mr. GOOD. I do not know about that.

Mr. BYRNES of South Carolina. The figures were accurate, but the situation changed. The number of boys entitled to the benefits of the acts of Congress has been increasing each month and is still increasing, and with the change of the situation this House decided in December to require the Secretary to sign this contract, providing it did not exceed \$3,000,000. Let us see what happened. I hold in my hand the hearings before the Public Buildings and Grounds Committee, and on page 33 the gentleman from Florida [Mr. CLARK] asked Mr. Bennett, the attorney for Shank & Co., this question:

How much money will this bill allow above the appropriation already made, \$3,000,000?

Mr. Bennett answered:

Not a cent.

Mr. CLARK. It does not increase the appropriation at all?

Mr. BENNETT. Not one penny.

The gentleman from South Dakota [Mr. JOHNSON] now says that under that act the Secretary is authorized to pay an additional amount or incur an additional obligation.

Mr. JOHNSON of South Dakota. Oh, the gentleman is in error. I said nothing of the kind. I am satisfied that the statement of the chairman of this committee and of the contractor is correct, that this will be built for \$200,000 less than the \$3,000,000.

Mr. BYRNES of South Carolina. When the gentleman looks at the report of his remarks he will find that he said this afternoon that the contractor claimed under this act of December that the Secretary could incur an obligation over \$3,000,000, and the reporter's notes will prove it—

Mr. JOHNSON of South Dakota. Oh, the gentleman has read that into my remarks, because that is not what I intended to say.

Mr. BYRNES of South Carolina. I have not read anything into it. He will see that I am correct when he comes to read the reporter's notes.

Mr. JOHNSON of South Dakota. If that is so, then I want to withdraw the statement.

Mr. BYRNES of South Carolina. The statement he made is correct; that the attorney for the contractor claims that under the last act the Government can be made to pay more than \$3,000,000, and the attorney has made the same statement to other gentlemen. After making that statement, the gentleman from South Dakota submitted to me a contract which he says the contractor would be glad to sign, and wants to have signed, and that it provides for no expenditure above the \$3,000,000. Let us look at the contract. I told him I knew that if it was drawn by the attorney for the contractor, somewhere in it there would be a joker that would allow him to receive more than \$3,000,000, and even while listening to him and others in debate I was able to find it. On the fourth page of the contract submitted to me, ninth paragraph, I find just the provision which I feared, which the gentleman intimated was not here. I have said time and again that the Secretary of the Treasury refused to sign this contract, because the contractor, in addition to the \$3,000,000, wants an agreement allowing him to recover a sum representing the increased cost in labor and material. The gentleman submits a contract and it provides exactly for what Shank & Co. have been trying to put over the Secretary of the Treasury, and I will read it to you:

Should the owner, during the course of the construction of said buildings and structures be required by any increase in such union-wage scales or in the market price of such materials to expend more money for the completion of said buildings and structures than that upon which its present contract price is based, then it shall first notify the contracting officer of such fact, and, upon 24 hours' notice to the owner, the contracting officer may from time to time elect to furnish and furnish such materials to the owner, in quantities provided for in the plans and specifications, in which event there shall be deducted by the contracting officer from the contract price hereof a sum equal to the total value of any such materials so furnished to the owner based upon the prices set forth in said schedule.

Now, listen:

In the event the contracting officer does not within 24 hours after the receipt of such notice of increased cost of material elect to furnish, and, within a reasonable time furnish the same, then the owner shall proceed to purchase such necessary material, and the amount of such increase so required to be paid by the owner shall be reimbursed to the owner by the Government in addition to the contract price herein named.

[Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. Here is the joker. I knew they could not submit a contract without having a joker that would require the payment of more than \$3,000,000.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. BYRNES of South Carolina. I am glad to yield to the gentleman. Read paragraph 9.

Mr. JOHNSON of South Dakota. I ask unanimous consent that the gentleman's time be extended for two minutes.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that the time of the gentleman from South Carolina be extended for two minutes. Is there objection?

Mr. BYRNES of South Carolina. Read paragraph 9; I have marked it.

Mr. KITCHIN. May I ask the gentleman a question?

Mr. BYRNES of South Carolina. I yield.

Mr. KITCHIN. I want to ask the gentleman from South Carolina, is not that the same contract which the Shank Co. brought to the War Department before the Treasury Department took hold of it to get them to sign and they refused to sign it?

Mr. BYRNES of South Carolina. Well, I do not know. All I know—

Mr. KITCHIN. It is a fact.

Mr. BYRNES of South Carolina. It was a contract submitted to me by the gentleman from South Dakota on this floor as being a contract requiring the payment of not over \$3,000,000, and if he reads it he will find it requires the payment of an indefinite, indeterminate amount to cover the increased cost of material.

Mr. JOHNSON of South Dakota. Will the gentleman yield for a question in the two minutes which I have secured for him?

Mr. BYRNES of South Carolina. Yes.

Mr. JOHNSON of South Dakota. The Shank Co. in the contract say that they are willing to abide by the price of labor and material on the 16th day of October, when this contract was submitted.

Mr. BYRNES of South Carolina. Why do they put that joker in there if they—

Mr. JOHNSON of South Dakota. That joker—it is not a joker; the gentleman refers to it as a joker, but it is not half as elastic as the provisions in the contract submitted by the Secretary of the Treasury.

Mr. BYRNES of South Carolina. Where is that contract? The gentleman will not deny that will require over \$3,000,000?

Mr. JOHNSON of South Dakota. The original contract submitted by the Secretary of the Treasury far exceeded \$3,000,000. This contract gives so much more than the contract submitted by the Secretary of the Treasury that there is no comparison.

Mr. BYRNES of South Carolina. Will not the gentleman admit that under that it will require more than \$3,000,000?

Mr. JOHNSON of South Dakota. Not more than \$3,000,000, if the gentleman will take into consideration the price of labor and materials on October 16, 1917, when the proposal was made. Now, if the Secretary of the Treasury refuses to comply with this law for two or three years more the cost of labor and materials may go up again.

Mr. BYRNES of South Carolina. The gentleman admits he will have to have more than \$3,000,000 if prices go above what they were in October, 1917?

Mr. JOHNSON of South Dakota. If the cost of labor and production has gone up since October 16, 1917, it may be necessary to exceed the \$3,000,000.

Mr. BYRNES of South Carolina. The gentleman says it may be necessary to exceed it. Does he not know that it will be necessary?

Mr. JOHNSON of South Dakota. It would be under the contract submitted to the Secretary of the Treasury.

Mr. BYRNES of South Carolina. Oh, no. The only contract submitted by the Secretary of the Treasury does not exceed \$3,000,000.

Mr. JOHNSON of South Dakota. The Secretary of the Treasury is now trying to get \$3,500,000 out of the Treasury.

Mr. BYRNES of South Carolina. The law prohibits the Secretary of the Treasury from signing any contract in excess of \$3,000,000.

Mr. KITCHIN. I would like to ask the gentleman from South Dakota a question. Suppose the gentleman himself was Secretary of the Treasury, with this law on the statute books which the gentleman from Iowa [Mr. Goon] had put on there and which we had all voted for, would you sign that contract under that law, and if you signed it, would you not be violating the law?

Mr. JOHNSON of South Dakota. If I had been Secretary of the Treasury and Congress had passed a mandatory law saying I should sign a certain contract, I would have done it, and would have done it a year ago, instead of letting these soldiers lie around dark rooms suffering from improper treatment and improper beds.

Mr. KITCHIN. Is it the old contract which you have submitted, which the War Department refused to sign?

Mr. JOHNSON of South Dakota. It is the contract which the War Department drew and submitted to Shank. It was drawn by Col. O'Brien.

Mr. KITCHIN. The contract shows it was not submitted to the War Department.

Mr. BYRNES of South Carolina. Mr. Chairman, in conclusion I simply want to say this: The chairman of the Appropriations Committee has gotten upon this floor and announced that, no matter what is done, he is opposed to appropriating any money as a deficiency to pay any additional sum on this contract. Did not the gentleman state that?

Mr. GOOD. I said that I was opposed to appropriating a single dollar in addition to the \$3,000,000 for acquiring the land and the building exclusive of what are known as fixtures and equipment.

Mr. BYRNES of South Carolina. Did not the gentleman advocate the signing of the contract which I have read in his presence, which requires, in addition to the \$3,000,000, that there should be paid a sum representing the increased cost of wages?

Mr. GOOD. I do not know that it is in the contract.

Mr. BYRNES of South Carolina. If it is, would the gentleman advocate signing it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the gentleman may have a minute more. The gentleman can not embarrass me.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. GOOD. I will say this to the gentleman: If the contract provides that it shall be completed, and the land shall be acquired within the limit of cost, that will control. It will control with me, so far as a deficiency appropriation is concerned.

Mr. BYRNES of South Carolina. But I will call the attention of the gentleman from Iowa to this:

In the event the contracting officer does not, within 24 hours after receipt of such notice of increased cost of materials, elect to furnish, and within a reasonable time furnish the same, then the owner shall proceed to purchase such necessary materials, and the amount of such increase so required to be paid by the owner shall be reimbursed to the owner by the Government in addition to the contract price herein named.

Would the gentleman advocate the signing of a contract that provides in that way for the payment of an amount in addition to the contract price of \$3,000,000?

Mr. GOOD. Not a dollar in excess of the limit of cost. Of course, I would not. I am in favor of this hospital being acquired and completed within a limit of cost and the contract signed just as it was, except that it shall provide that the auxiliary building shall be fireproof instead of a frame building.

Mr. BYRNES of South Carolina. The gentleman from Iowa and the Secretary of the Treasury are together in their views. They both stand ready to sign a contract for \$3,000,000 and no more.

Mr. GOOD. I will say to the gentleman that the contract which the Secretary of the Treasury did sign, and which has been handed to me, authorizes the creating of a deficiency. It absolutely authorizes it.

Mr. BYRNES of South Carolina. Where is that contract? I want to see it. I have gotten so I love to read them this afternoon.

Mr. JOHNSON of South Dakota. I read that provision of the contract when I made my remarks.

Mr. GOOD. It is the same provision the gentleman read on Tuesday.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

Mr. BYRNES of Tennessee. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I do not know anything about the particular controversy that has been waged back and forth across the aisle for the last few minutes. But I do want to call the attention of the gentleman from South Dakota [Mr. JOHNSON] in particular to another phase of this proposition now before the House. The gentleman from South Dakota, in the interest, of course, of the proper care and treatment of the soldiers, is very anxious to have the Speedway Hospital purchased by the Government at a cost of \$3,000,000. That hospital would take care of a few hundred soldiers. But I want to submit to him that in view of the needs of the Public Health Service it is even more important to have other hospitals not now in charge of the Public Health Service properly repaired and remodeled to take care of the many soldiers who are daily knocking at the doors of the Bureau of War Risk Insurance.

The gentleman from South Dakota [Mr. JOHNSON] the other day, when this bill was under discussion, in general debate made a very caustic criticism of the Secretary of the Treasury and the Surgeon General, because he said that they were placing soldiers in dark rooms and in rooms in hospitals not properly suited for the care of patients. He made the statement then that the Secretary of the Treasury was neglecting the soldiers and was not expending the money that was appropriated under the act of March 3, whereas, as a matter of fact, that money was apportioned among the 17 hospitals that have been taken over by the Public Health Service. The money so appropriated was not sufficient, and the Public Health Service came to the Committee on Appropriations and asked for \$500,000 additional to be used for the purpose of placing these 17 hospitals in proper repair. The committee has recommended this sum, but the Bureau of Public Health Service asked for \$500,000 more.

For what purpose? Those who appeared before the committees stated that they were taking over all of the desirable Army-post hospitals now used by the Army just as rapidly as they become available, and that they needed the money as soon as these hospitals were taken over to put them in proper repair.

Now, the gentleman from Iowa [Mr. Goon] a few moments ago left the House under the impression that what they wanted with that \$500,000 was to repair, as he said, "some old wooden hospital up in Chicago." I deny that. The hearings before me show that they stated that they wanted that \$500,000 to take care of these Army hospitals at these Army posts and camps as they become available. The Committee on Appropriations denied to the Bureau of Public Health Service that \$500,000, and the result will be that as those hospitals are taken over from time to time, the Secretary of the Treasury will not have one dollar with which to put them in proper shape and remodel them. And I want to suggest to the gentleman from South Dakota [Mr. JOHNSON], who is so much interested in the comparatively few soldiers who would be sent to the Speedway Hospital in Chicago, that he could render to the disabled soldiers of this country a real and greater service if he would take advantage of this opportunity to offer an amendment to increase this appropriation and give the Secretary of the Treasury the \$500,000 for which he asked.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Tennessee. Yes.

Mr. JOHNSON of South Dakota. Is it not true that the soldiers are being turned out of hospitals all over the United States? Is it not true that there are not sufficient beds for the soldiers in those hospitals? Is not that true?

Mr. BYRNES of Tennessee. I do not know whether that is true or not. But if it is true it shows a greater reason why the committee, controlled as it is by the majority on your side of the House, should have granted this \$500,000 to enable the Secretary of the Treasury to take care of those soldiers. [Applause on the Democratic side.]

Mr. JOHNSON of South Dakota. Does the gentleman say it would be worth while to give the Secretary of the Treasury \$500,000 for anything when he has told us that he will not expend the \$3,000,000 that was carried in the bill which was enacted on March 3, 1919?

Mr. BYRNES of Tennessee. As the gentleman from South Carolina [Mr. BYRNES] has clearly pointed out, the Secretary

has not been able to secure the hospital for the \$3,000,000 allowed by the law, and this is certainly no reason why we should deny the Secretary the right to spend \$500,000 to put Army hospitals in repair and properly remodel them for these patients who are daily applying to the Bureau of War Risk Insurance. Now, if the gentleman really wants to perform a service to the soldiers, I say to him that now is the time for him to offer an amendment increasing this appropriation \$500,000 and give to the Secretary of the Treasury the amount which he says is necessary to properly take care of and to provide for these disabled soldiers.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield again?

Mr. BYRNS of Tennessee. Yes.

Mr. JOHNSON of South Dakota. If I thought that the Secretary of the Treasury and his aides had sufficient thought for the well-being of the soldiers to expend the money that we have already appropriated, I would be willing to offer an amendment to give them ten times that much. As I said the other day, the Secretary of the Treasury now comes in and asks for \$85,000,000. He did that on December 5. I was willing for him to expend twice that much; but he will not spend the money that we have authorized him to spend, and he has taken that position every day since the passage of the law in July, 1919.

Mr. BYRNS of Tennessee. The officials of the Public Health Service, since the act of March 3, 1919, was passed, have expended the money appropriated on the repair of these hospitals.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. One minute more, Mr. Chairman. They have not had sufficient money with which to properly repair them. This bill carries the money with which they can put them in proper repair. But the committee has denied to the Secretary of the Treasury \$500,000 which he says is necessary for the repair of hospitals to be taken over in the future; and I submit to the gentleman from South Dakota that when it appears later on that he has taken over these hospitals and is unable to repair them the fault will be found to be on his side of the House on account of their refusal to give the sum which he says is needed for that purpose.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BLANTON. Mr. Chairman, I make the point that there is no quorum present.

Mr. GOOD. Will the gentleman withhold that for a moment?

Mr. BLANTON. Yes.

Mr. GOOD. I ask unanimous consent to proceed for five minutes, and then I will move that the committee rise.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I have tried to explain why the committee did not give the \$1,000,000 for the repair of the hospitals. The Public Health Service could only mention certain hospitals on which they desired money for repairs, and we gave them every dollar that they asked for to repair those hospitals. But we did not give the Secretary a lump sum of \$500,000 to go anywhere he pleased and repair hospitals. We did not because, as I said, it was the estimate of the doctor in charge in Chicago that the old wooden hospital at the Great Lakes Training Station, in order to take care of the service, would require an expenditure of about \$100,000; and if you appropriated it I was satisfied that Mr. Glass would spend \$100,000 in repairing those old wooden hospitals, and that that would be thrown away.

But, Mr. Chairman, when did the Secretary of the Treasury, when did that side of the House, become so apprehensive with regard to waste, with regard to the extravagance of the Public Health Service? Down at Dawson Springs, Ky., they are at work now in building 2 miles of road. The Secretary's office had before it an estimate that if the Secretary would let the contract for grading 2 miles of road to subcontractors it would cost \$31,000 a mile, but the Secretary refused and let the contract to one contractor, the man who made his brags to the department's own representative that the Assistant Secretary of the Treasury had promised to let him have the contract whether he was the low bidder or not, and the estimate of the representative of the department is that it will cost \$62,000 a mile—a pure gratuity, if not a real graft, of \$62,000 in grading 2 miles of road.

Oh, the gentleman the other day said that Mr. Perry had put in the Record, in response to Mr. BYRNS's question, a statement showing that it cost \$4.50 per cubic yard to grade or excavate for rock. Mr. Perry went up into Connecticut, in the granite

quarry fields; he went over into Ohio, in the granite quarry fields, and compared the quarrying of granite rock in Ohio and Connecticut with the price paid in Kentucky for southern sandstone.

I went to the Department of Agriculture, where the department had approved contracts for 50 miles of rock excavation in the State of Kentucky, and what was the price paid in Kentucky? The price averages from \$1.15 a cubic yard to \$2 a cubic yard; and yet here was a contract where we were paying \$4.50 a yard for excavating rock. What kind of rock? The Government agent says it is a sort of decayed sandstone; that you can plow through it and then move it like sand. And yet that contractor is paid \$4.50 a yard for moving it when the Government agent said it could be moved for \$2.50 at a profit. This is \$62,000 of pure graft in the construction of 2 miles of road and you say nothing about it. You appear to approve it. But when it comes to building a hospital where the walls are all up and nothing is to be done but to put in partitions, plaster, hang the doors, put in the heating plant, and plumbing—the interior—then the Secretary of the Treasury objects because he says it will create a deficiency. Flimsy excuse, indeed. What will he say of the cost of his pet building at Dawson Springs and of the deficiency his own contract will require?

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. SAUNDERS of Virginia. The gentleman from Iowa seems to be entirely familiar with the Speedway proposition. I want to ask this question: Can the Secretary of the Treasury sign any contract except one to complete the job within the cost limit of \$3,000,000? Has he any discretion?

Mr. GOOD. The Secretary was authorized by Congress to sign this specific contract. I have never seen the original contract, but it should, if it does not express it, come within the limit of \$3,000,000. If there was some way to require it, the additional cost occasioned by obstinacy of the Secretary should be borne by him and not by the Government.

Mr. SAUNDERS of Virginia. The Secretary could not conform to the law and sign any contract that does not provide for the completing of the enterprise within the cost limit?

Mr. GOOD. I think he can sign a contract that Congress has specifically said that he should sign. I think that authority gives three dates. I can not recall them now.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SAUNDERS of Virginia. I ask that the gentleman have two minutes more as this is an important matter and I want some information.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. Do I understand that there is an act of Congress which designates some particular contract already in being and which can be located that the Secretary shall sign?

Mr. GOOD. I understand so.

Mr. SAUNDERS of Virginia. That contract which we have directed him to sign would provide that the work may exceed the cost limit of \$3,000,000?

Mr. GOOD. No; I understand it is within the cost limit of \$3,000,000, although I have never seen the contract.

Mr. SAUNDERS of Virginia. Is it not in the interest to get hold of the contract which brings the cost price within \$3,000,000?

Mr. GOOD. Certainly. The gentleman from South Dakota had a copy of the contract. I understand Mr. Moyle had agreed with the contractor to sign a contract. Everything was agreed to. I understand there had to be some modifications because by the agreement the five auxiliary buildings were to be constructed of concrete instead of wood as originally planned. Some dates had to be changed because of delay. They have already agreed on that. The contractor and Mr. Moyle, the Assistant Secretary, had taken the matter up and agreed to a contract, but the Secretary found a cause for further delay.

Mr. SAUNDERS of Virginia. We are getting outside of the particular facts that I had reference to. This particular contract that he is authorized to sign is within a cost limit of \$3,000,000?

Mr. GOOD. The letter I shall put in the Record practically confirms the statement which Mr. Bennett made to me, that they had agreed upon a contract with the limit of \$3,000,000, but the Secretary upset the agreement. These men ought to get together and agree on a contract like men instead of quibbling like little children, and if they do not, some one who will handle it like men will be given the authority to handle the matter.

Mr. SAUNDERS of Virginia. I agree to that, and if they bring it within \$3,000,000, the Secretary ought to sign it.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12046, the second deficiency bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, the following leave of absence was granted:

To Mr. O'CONNELL, continued leave of absence, on account of sickness.

To Mr. GOLDFOGLE, for to-day, on account of illness.

To Mr. DUNBAR, for four days, on account of important business.

To Mr. McDUFFIE (at the request of Mr. BANKHEAD), for to-day, on account of illness.

To Mr. ELLSWORTH, indefinitely, commencing Saturday, January 31, on account of important business.

EXTENSION OF REMARKS.

By unanimous consent, leave to extend remarks in the RECORD on this bill (H. R. 12046) was granted to Mr. WATSON, Mr. McFADDEN, and Mr. MACCRATE.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by putting in a letter written by the Secretary of the Treasury to Shank & Co. under date of January 22, 1920.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3315. An act to promote Americanization by providing for cooperation with the several States in the education of non-English-speaking persons and the assimilation of foreign-born residents, and for other purposes; to the Committee on Education.

S. J. Res. 76. Joint resolution for the investigation of influenza and allied diseases in order to determine their cause and methods of prevention; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. GOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Saturday, January 31, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to reimburse Capt. H. E. Lackey for checkage against his personal account; to the Committee on Claims.

2. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting, as required by law, a report of the company to the Congress of the United States for the year 1919; to the Committee on the District of Columbia.

3. A letter from the Secretary of the Treasury, transmitting information regarding the work done by soldiers on public roads in the several States; to the Committee on the Post Office and Post Roads.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. RHODES, from the Committee on Indian Affairs, to which was referred the bill (S. 1329) to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in connection with the Blackfeet Indian reclamation project, reported the same without amendment, accompanied by a report (No. 591), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 1330) for the relief of V. E. Schermerhorn,

E. C. Caley, G. W. Campbell, and Philip Hudspeth, reported the same without amendment, accompanied by a report (No. 592), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARTER (by request): A bill (H. R. 12157) to amend an act of Congress approved June 30, 1913; to the Committee on Indian Affairs.

By Mr. McARTHUR: A bill (H. R. 12158) to enlarge the boundaries of the Oregon National Forest; to the Committee on the Public Lands.

By Mr. THOMAS: A bill (H. R. 12159) to provide for the granting of pensions to survivors of certain battalions of Kentucky Militia; to the Committee on Invalid Pensions.

By Mr. PARRISH: A bill (H. R. 12160) authorizing the construction of a bridge and approaches thereto across Red River at a point a little east of north of Nocona, in Montague County, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: A bill (H. R. 12161) to amend an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 12162) authorizing a per diem allowance for officers on recruiting duty; to the Committee on Military Affairs.

By Mr. HUDDLESTON: A bill (H. R. 12163) providing for a survey of Valley River, in Jefferson County, Ala., with a view to making same navigable; to the Committee on Rivers and Harbors.

By Mr. SUMMERS of Washington: A bill (H. R. 12164) to authorize the construction of a bridge and approaches thereto across the Columbia River between the town of Pasco and Kennewick, in the State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mr. SINNOTT: A bill (H. R. 12165) authorizing the Postmaster General to investigate conditions arising from contracts in star route, screen wagon, and other vehicle service prior to June 30, 1918; to the Committee on the Post Office and Post Roads.

By Mr. ANDREWS of Nebraska: Resolution (H. Res. 452) directing the Committee on Banking and Currency to investigate certain complaints against Federal reserve banks; to the Committee on Rules.

By Mr. MACCRATE: Joint resolution (H. J. Res. 285) directing the Secretary of the Treasury to furnish the Senate and House of Representatives certain detailed information secured from income and profits tax returns of taxable year 1918; to the Committee on Ways and Means.

By the SPEAKER: Memorial of the Legislative Assembly of the State of Oregon, urging legislation to pension pioneer veterans of the Indian wars of 1848 and 1856; to the Committee on the Judiciary.

Also, joint memorial of the Legislative Assembly of the State of Oregon, favoring submission to the States of an amendment to the fourteenth amendment of the Constitution, providing that children of aliens not entitled to naturalization shall retain the nationality of their parents; to the Committee on the Judiciary.

Also, joint memorial of the Legislative Assembly of the State of Oregon, urging enactment of legislation to match the appropriation offered by the State of Oregon for the construction of a national road as a monument to Ex-President Roosevelt; to the Committee on the Judiciary.

Also, joint memorial of the Legislative Assembly of the State of Oregon, favoring the immediate opening of the Klamath Indian Reservation for settlement; to the Committee on the Judiciary.

Also, joint memorial of the Legislative Assembly of the State of Oregon, asking the installation of a life-saving station at the port of Port Orford, in Curry County, Ore.; to the Committee on the Judiciary.

Also, joint memorial of the Legislative Assembly of the State of Oregon, favoring the passage of the Sinnott bill for the restoration to entry of certain lands in Klamath County, Ore.; to the Committee on the Judiciary.

Also, joint memorial of the Legislative Assembly of the State of Oregon, favoring the enactment of Senate bill 1309, providing for the construction of a national highway system; to the Committee on the Judiciary.

Also, joint memorial of the Legislative Assembly of the State of Oregon, respectfully urging and requesting enactment of legislation relative to national highway construction and the

creation of a system of national highways; to the Committee on the Judiciary.

Also, joint memorial of the Legislative Assembly of the State of Oregon, requesting appropriation and other legislation to develop the air-patrol service for forests in Northwestern States to combat losses through fires; to the Committee on the Judiciary.

Also, joint memorial of the Legislative Assembly of the State of Oregon, petitioning for legislation effectually to expel and keep out undesirable and disloyal aliens and to strengthen immigration laws now in force; to the Committee on the Judiciary.

Also, joint memorial of the Legislative Assembly of the State of Oregon, favoring Federal aid for the development of the Deschutes irrigation project; to the Committee on the Judiciary.

By Mr. McARTHUR: Joint memorial of the Legislative Assembly of the State of Oregon, favoring submission to the States of an amendment to the fourteenth amendment of the Constitution, providing that children of aliens not entitled to naturalization shall retain the nationality of their parents; to the Committee on Immigration and Naturalization.

Also, joint memorial of the Legislative Assembly of the State of Oregon, urging enactment of legislation to match the appropriation offered by the State of Oregon for the construction of a national road as a monument to ex-President Roosevelt; to the Committee on Roads.

Also, joint memorial of the Legislative Assembly of the State of Oregon, favoring the immediate opening of the Klamath Indian Reservation for settlement; to the Committee on the Judiciary.

Also, joint memorial of the Legislative Assembly of the State of Oregon, asking the installation of a life-saving station at the port of Port Orford, in Curry County, Oreg.; to the Committee on the Public Lands.

Also, joint memorial of the Legislative Assembly of the State of Oregon, favoring the passage of the Sinnott bill for the restoration to entry of certain lands in Klamath County, Oreg.; to the Committee on the Public Lands.

Also, joint memorial of the Legislative Assembly of the State of Oregon, favoring the enactment of Senate bill 1300, providing for the construction of a national highway system; to the Committee on Roads.

Also, joint memorial of the Legislative Assembly of the State of Oregon, respectfully urging and requesting enactment of legislation relative to national highway construction and the creation of a system of national highways; to the Committee on Roads.

Also, joint memorial of the Legislative Assembly of the State of Oregon, requesting appropriation and other legislation to develop the air-patrol service for forests in Northwestern States to combat losses through fires; to the Committee on Agriculture.

Also, joint memorial of the Legislative Assembly of the State of Oregon, petitioning for legislation effectually to expel and keep out undesirable and disloyal aliens and to strengthen immigration laws now in force; to the Committee on Immigration and Naturalization.

Also, joint memorial of the Legislative Assembly of the State of Oregon, favoring Federal aid for the development of the Deschutes irrigation project; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 12166) granting a pension to Frank T. Thomas; to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 12167) granting a pension to Alpheus R. Bascom; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 12168) granting a pension to Anna M. Bateman; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 12169) granting a pension to Mary Muhleder; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 12170) granting an increase of pension to Simeon Bailey; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 12171) granting a pension to Zachariah T. Johnson; to the Committee on Pensions.

By Mr. IGOE: A bill (H. R. 12172) granting an increase of pension to Frederick Nientzenhelzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12173) granting an increase of pension to Virginia H. Welsh; to the Committee on Pensions.

By Mr. JAMES: A bill (H. R. 12174) to reimburse Clarence J. Vaughn, of Marquette, Mich., for money lost in registered letter; to the Committee on Claims.

By Mr. MONAHAN of Wisconsin: A bill (H. R. 12175) granting a pension to Martin Edwards; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 12176) granting a pension to Anna M. Bremigam; to the Committee on Pensions.

By Mr. OLIVER: A bill (H. R. 12177) granting an increase of pension to Clanton Jarrett; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 12178) granting a pension to William Pace; to the Committee on Pensions.

Also, a bill (H. R. 12179) granting a pension to Gilbert G. Horsby; to the Committee on Pensions.

Also, a bill (H. R. 12180) granting a pension to John Allen; to the Committee on Pensions.

Also, a bill (H. R. 12181) granting a pension to Alonzo L. Hansel; to the Committee on Pensions.

By Mr. STEELE: A bill (H. R. 12182) granting a pension to Sarah Ella Weidner; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12183) granting a pension to Teresa Bruner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12184) granting a pension to Malinda Nulph; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 12185) granting a pension to John Abbott; to the Committee on Pensions.

Also, a bill (H. R. 12186) granting a pension to William T. Conway; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1216. By the SPEAKER (by request): Petition of the San Bernardino Post, No. 14, American Legion, relative to certain land openings, etc.; to the Committee on the Public Lands.

1217. Also, petition of the delegates to the first national convention of the Labor Party, assembled in Chicago, Ill., relative to certain legislation; to the Committee on the Judiciary.

1218. By Mr. BACHARACH: Petition of Atlantic City Chamber of Commerce, recommending the purchase and transport of grain to the countries of central Europe; to the Committee on Interstate and Foreign Commerce.

1219. By Mr. BRIGGS: Petition of the Retail Merchants' Association and the Chamber of Commerce, both of Denton, Tex., against any change in the postal laws; to the Committee on the Post Office and Post Roads.

1220. By Mr. BROWNING: Petition of Thorofare Grange, No. 59, Patrons of Husbandry, of Thorofare, N. J., opposing reenactment into law of the daylight-saving measure; to the Committee on Interstate and Foreign Commerce.

1221. By Mr. FULLER of Illinois: Petition of John A. Simpson, president of the Oklahoma Farmers' Union, protesting against universal military training; to the Committee on Military Affairs.

1222. Also, petition of citizens of Chicago, Ill., favoring the antistrike clause in the railroad bills now pending; to the Committee on Interstate and Foreign Commerce.

1223. By Mr. KETTNER: Petition of Chamber of Commerce of Newport Beach, Calif., favoring the adoption of the following propositions by Congress, to wit, first, cancellation of the "gentlemen's agreement"; second, exclusion of picture brides; third, immediate exclusion of Japanese as immigrants; fourth, passing of laws that will forever bar Japanese from American citizenship; and fifth, to amend section 1 of Article XXV of the Federal Constitution, providing that no child born in the United States of foreign parents shall be considered an American citizen unless both parents are of a race that is eligible to citizenship; to the Committee on Immigration and Naturalization.

1224. By Mr. LINTHICUM: Petition of the Truckers' Association, of Colgate, Baltimore County, Md., relative to certain legislation now pending; to the Committee on Agriculture.

1225. Also, petition of C. E. Seaman, of Baltimore, Md., protesting against the Esch-Cummins railroad bills, etc.; to the Committee on Interstate and Foreign Commerce.

1226. Also, petition of B. Hiltz, of Baltimore, Md., relative to certain legislation now pending; to the Committee on Interstate and Foreign Commerce.

1227. Also, petition of the United Mine Workers of America, Local Union No. 2819, assembled at Frostburg, Md., protesting against the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

1228. Also, petition of J. O. F. Covell, of Baltimore, Md., protesting against the Esch-Cummins railroad bills; to the Committee on Interstate and Foreign Commerce.

1229. Also, petition of the A. H. Colmary & Co., of Baltimore, Md., relative to certain legislation now pending; to the Committee on Interstate and Foreign Commerce.

1230. Also, petition of the Farmers' National Bank, of Annapolis, Md., favoring the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

1231. Also, petition of the Hubbard Fertilizer Co., of Baltimore, Md., relative to railroad legislation now pending; to the Committee on Interstate and Foreign Commerce.

1232. Also, petition of Hubbard Fertilizer Co., Baltimore, Md., favoring antistrike clause in railroad bills; to the Committee on Interstate and Foreign Commerce.

1233. Also, petition of United States Customs Inspectors Association, favoring Senate bill 3418 and House bill 10532; to the Committee on Interstate and Foreign Commerce.

1234. Also, petition of R. Lancaster Williams & Co., Baltimore, Md., relating to railroad legislation; to the Committee on Interstate and Foreign Commerce.

1235. Also, petition of Blue Ribbon Candy Co., Baltimore, Md., favoring railroad bill as passed by the Senate; to the Committee on Interstate and Foreign Commerce.

1236. Also, petition of Benjamin C. Baxter, Baltimore, Md., opposing Cummins bill and urging retention of Government control of the railroads; to the Committee on Interstate and Foreign Commerce.

1237. Also, petition of Margaret S. Brogdan, supervisor social-service department, Johns Hopkins University, Baltimore, Md., indorsing appropriation for social hygiene; to the Committee on Appropriations.

1238. Also, petition of J. A. Bokel Co., of Baltimore, Md., favoring 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

1239. By Mr. MACGREGOR: Petition of the Buffalo Chamber of Commerce, relative to the railroad situation in regard to tariffs, etc.; to the Committee on Interstate and Foreign Commerce.

1240. By Mr. STINESS: Petition of the President Valera Branch of the Friends of Irish Freedom, of Arctic, R. I., relative to certain legislation now pending; to the Committee on Foreign Affairs.

1241. By Mr. TILSON: Petition of Connecticut Editorial Association, urging legislation against anarchistic movements but opposing anything that will curtail free speech; to the Committee on the Judiciary.

SENATE.

SATURDAY, January 31, 1920.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we can not understand the measure, the moral and spiritual significance of the common facts of life without Thy inspiration and guidance. We have seen from life's minute beginning up at last to man the ever-increasing purpose running. We lift our hearts to Thee to know the meaning of this larger purpose of life to lay hold on eternal life as Thou hast revealed it to us through Thy Son. Grant us this day to live in high and holy communion with Thyself. For Christ's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

FOREIGN SECURITIES IN THE UNITED STATES (S. DOC. NO. 191).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of October 17, 1919, a statement showing the financial obligations of foreign Governments offered in the United States since August 1, 1914, etc., which, with the accompanying papers, was referred to the Committee on Finance and ordered to be printed.

ARMY AND NAVY OFFICERS (S. DOC. NO. 194).

The VICE PRESIDENT laid before the Senate a communication of the Secretary of War, transmitting, in response to a resolution of the 7th instant, lists of commissioned officers in the War Department assigned to duty in other than strictly combat or line organizations, etc., which, with the accompanying papers, was referred to the Committee on Military Affairs and ordered to be printed.

THE AMERICAN METAL CO. (S. DOC. NO. 192).

The VICE PRESIDENT laid before the Senate a communication from the Alien Property Custodian, transmitting, in response to a resolution of the 12th instant, certain information relative to the sale of trust certificates of the American Metal Co. to a syndicate, etc., which was referred to the Committee on the Judiciary and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD (S. DOC. NO. 195).

The VICE PRESIDENT laid before the Senate the annual report of the East Washington Heights Traction Railroad Co. for the year ended December 31, 1919, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 4382) to confer on the Court of Claims jurisdiction to determine the respective rights of and differences between the Fort Berthold Indians and the Government of the United States.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MAPES, Mr. FOCHT, and Mr. JOHNSON of Kentucky managers at the conference on the part of the House.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CALDER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHERMAN, Mr. CALDER, and Mr. SHEPPARD conferees on the part of the Senate.

TREATY OF PEACE WITH GERMANY (S. DOC. NO. 193).

Mr. LODGE. Mr. President, I ask to have printed in the RECORD in connection with what I am now saying a statement which I made to the press yesterday, and also the statement made by the Senator from Nebraska [Mr. HITCHCOCK]. I do this because it contains a brief report of what the committee which has been meeting lately tried to do in regard to the reservations. I think it would be well to have it completely in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT MADE TO THE PRESS IN REGARD TO THE MEETINGS WITH REFERENCE TO RESERVATIONS TO THE TREATY OF PEACE WITH GERMANY BY SENATOR HENRY CABOT LODGE AND SENATOR GILBERT M. HITCHCOCK.

"For the past two weeks nine Senators—five Democrats and four Republicans—have been meeting to consider the question of changes in the reservations adopted by the Senate before the adjournment of the last session of Congress, commonly known as the Lodge reservations. The Senators who thus met did not constitute a committee. The meetings were entirely informal, and it was understood at the outset that they had no power or authority whatever to bind anyone. Their only purpose was to see whether there were any changes which they would be willing to lay before all the other Members of the Senate for their consideration. No final agreement, even to submit any changes to their colleagues in the Senate, was reached. Some tentative agreements were obtained. Reservations 3, 8, 12, and 13 were tentatively accepted by all without change. It was tentatively agreed to submit the following changes to all the other Senators for their consideration:

"(A). The resolving clause, which is as follows:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty of peace with Germany concluded at Versailles on the 28th day of June, 1919, subject to the following reservations and understandings, which are hereby made a part and condition of this resolution of ratification, which ratification is not to take effect or bind the United States until the said reservations and understandings adopted by the Senate have been accepted by an exchange of notes as a part and a condition of this resolution of ratification by at least three of the four principal allied and associated powers, to wit, Great Britain, France, Italy, and Japan: